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BEGUNAH QAIDI

Stories of Muslim youth falsely implicated in 7/11 Mumbai train blasts and other terror cases

ABDUL WAHID SHAIKH
Acquitted after nine years of incarceration

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This book is also available in Urdu and Hindi from the same publisher.

English translation of *Be-gunah Qaidi — Dahshatgardi ke jhootey muqadmaat mein phasaaye gaye Muslim nau jawanon ki daastaan*

Translator: Dr Yusuf Choudhari

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Note from the Publisher: The author wrote this book originally in Urdu. He sourced its contents from many documents, *e.g.*, confessional statements, depositions of witnesses, statements on oath, chargesheets, court judgements, RTI replies, media reports, police reports and interactions with the accused in jail in addition to his own experience. The author at times translated and paraphrased the contents while at other times he summarised the lengthy repetitive contents. At some places, he added necessary information to make the content understandable to the general reader. For this English edition, wherever possible we have tried to use the English originals, but this translation mostly relies on the Urdu text. The author has gone through the English translation and has confirmed that there are no factual errors due to the re-translation.

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Dedicated to the 12 innocent youths accused
in Mumbai local train serial blasts 2006.
Languishing in jail since past 13 years,
victims of state terrorism, waiting for justice
and asking the Ummah and the vanguards of justice,
"When will we be released from these
dungeons of state persecution?"

"I prefer prison for truth rather than freedom through falsehood."

—Accused#10

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Preface

"We declare this with utmost certainty that all those arrested in 7/11 train blast case are absolutely innocent."

Despite being innocent when we were arrested in 7/11 blast case, for several days we did not understand what exactly was going on with us. We thought the police had arrested us mistakenly and would release us soon. But as the days went on, our hopes started fading away. After we were sent to Arthur Road jail, the very next day a person accused in 1993 Mumbai bomb blast, languishing there since past 13 years came to us. He asked whether we had done the blasts. We denied! He questioned: "Why then did you make confessional statements?" We told him that none of us had confessed to have committed anything willingly, but we were tortured and forced to sign on false papers. He asked us whether we complained to the court about torture. When we said "no", he burst into anger and started shouting at us: "Don't you all know what happened after Mumbai blasts? Don't you know what the Central Bureau of Investigation (CBI) and Mumbai Police did to us? How Muslims were subjected to torture and persecution? Don't you know how the families of the accused, especially their women, were humiliated? Don't you know how signatures were forcefully taken from them on blank papers? Didn't you ever read newspapers?" We indeed were unaware of most of the aspects of that case. We hung our heads in silence. He kept shouting: "You must immediately complain to the court that you are falsely implicated in this case and that you were tortured." He thus left with this loud piece of advice. Thanks to his advice, on our next date at the court we complained against the police and recorded our statements in detail narrating how we were framed.

In those moments of fear and confusion, we realised: had every individual of Muslim community been informed about false implication of innocents in previous terror cases, he would have known how to defend himself when faced with a similar situation.

I realised that it was necessary to inform the people in detail and make them aware so that if, God forbid, a person is falsely implicated, he would be mentally prepared to pursue his legal battle, protect himself from police harassment and defend himself fearlessly before the law.

This is the very purpose of my book! Even if a single individual benefits from this book, I would gladly consider my efforts rewarded. Although we pray to Allah, may none be put through these horrible situations. But given the affairs of our country currently coupled with the un-checked, uncontrolled powers the police enjoy, an entirely opposite scenario is likely to emerge. As long as the police department is not held accountable, as long as these draconian laws are not scrapped, as long as justice and equality are not ensured, there won't be any peace in its actual sense in our country. This book does not just narrate the reality of 7/11; in fact, it exposes the entire police system. It unveils the ugly face of judiciary and proves that there is something called "terrorism of governments." I have not written this book in a fit of anger. In fact, I have penned down every word after deep study and analysis of thousands and thousands of documents related to 7/11.

We declare this with utmost certainty that all those arrested in 7/11 bomb blasts case are absolutely innocent. They are enduring the hardships of imprisonment and torture since last 10 years for no crime whatsoever. Their only crime is that they are Muslims. It is a great crime to arrest innocents, or to implicate them in false cases. And to fight against such tyranny is the duty of every individual. For this noble cause, we have formed a network to make systematic and constant efforts for the release of innocent prisoners. We intend to create public awareness so as to stop this flood of wrong arrests and false implications. Many advocates, retired magistrates, human rights activists, social and religious leaders have joined this campaign. We have named this campaign "Innocence Network". This movement shall go on as long as innocents are not released. *Insha Allah.*

For further information regarding this campaign kindly visit the website www.theinnocent.in and email us at info@theinnocent.in

This book was written five months before the judgment on 7/11 in September 2015. The author of this book was acquitted and released, but five of the innocents were sentenced to hang till death and seven of them were sentenced to life imprisonment. We are

unable to recover from this shock even to this day. After the verdict many more things came to our knowledge. So, we have made changes in this book accordingly.

—Abdul Wahid Shaikh

Mira Road, Thane, 9 January 2017

A Note of Gratitude

I had completed writing this book in jail itself. But it took us another endeavour to get it published. I find it necessary to thank those who helped me get published. It was impossible to do so without their help. All the accused in 7/11 Mumbai train bombings case (2006) and my brother-in-law Muhammad Sajid Ansari helped me and provided me all the documents from the court at the earliest.

Shahid Ismail Narikar from New Crescent Publications helped me get the manuscript typed and gave me the best advice in this regard. Salim Bhai of Mira Road, Ata ur Rehman Chacha of Mira Road and Muhammad Majid of Vikhroli, Mumbai, helped me with the proof-reading. Legal Secretary Jamiat Ulama-i Hind, Gulzar Azmi, and the legal cell advocate Shahid Nadeem and advocate Humam Siddiqui, read the manuscript and gave their precious advice. Advocate Tahawwur Pathan encouraged me a lot. Pharos Media's Dr Zafarul-Islam Khan put a lot of effort in printing and publishing the book. May Allah bless all of them with best rewards.

I am thankful to the Jamiat Ulama-i Hind particularly that they assigned experienced advocates to defend us in the 7/11 case from trial court to Supreme Court. They bore all expenses for us. The President of Jamiat must be commended for forming a strong legal cell to defend the innocents. I was able to be acquitted due to the continuous efforts of Jamiat Ulama-i Hind Maharashtra president Mustaqeem Azmi, legal secretary Gulzar Azmi, and their advocates Yug Chaudhary, Abdul Wahab Khan, Shareef Shaikh, Prakash Shetty, Naeema Shaikh Chirag, Shahid Nadeem and Afzal. Similarly, many innocents are being released due to their efforts day in and day out. It is highly commendable that the Jamiat has taken this initiative and is fighting 7/11 and many other cases in the high courts and Supreme Court so that innocents are released and they return to their families. May Allah bless the Jamiat so that they may keep helping, defending and guiding the Ummah in each and every matter. *Ameen*.

Chapter 1 : Fiction weaved by Police

State terrorism

We all know very well that the political masters have always used police for their vested interests in our country. Unfortunately, the police have grown so uncontrollably strong that today they have become totally unquestionable. The nation has practically become a police state. These masters are such nationalists that they can even sell the country for a few pieces of copper. India is the only country where the actual perpetrators of terrorism are set free and innocents are arrested, implicated and even hanged to death. The Malegaon blast (September 2006), Akshardham Mandir attack (September 2002, Gujarat) and German Bakery blasts (February 2010, Pune) are self-evident examples of this *modus operandi*. But why do they (police) do this? The answer is simple: Firstly, for the hate and contempt deeply borne in their minds against Muslims and, secondly, as face-saving measures to hide their failures and inefficiencies. Police officers committing these terrible crimes, enjoy complete backing by governments.

How will this state terrorism end? When will it end? There is a need to seriously think about this. As long as we do not think about ending this state terrorism, actual peace and progress shall remain only a dream. The sooner the government realises this, the better it is for the nation.

The ATS story

On 30 November 2006, Mr. Sadashiv Laxman Patil, ACP, ATS, submitted a chargesheet against 13 innocent men before the MCOCA (Maharashtra Control of Organised Crime Act) court. The 'story' according to him is this:

Mumbai, the financial capital of our country. Every day more than 6 million people travel by the Western Railway suburban trains from Churchgate to Virar and Virar to Churchgate. On 11 July 2006, this lifeline came to a standstill with seven high-intensity blasts ripping through men's first-class compartments. Two blasts occurred when the trains were nearing Mahim and

Borivali station. The remaining other blasts occurred when the running trains were at a distance from the station.

The blasts at Mahim and Borivali were so potent that several passengers waiting at the platform were also killed and injured. Many passengers from the opposite approaching train were also killed and injured. Some passengers at Mahim station on hearing the explosion jumped off the train only to be killed by the opposite approaching train.

At Mahim, Bandra and Mira Road stations six explosions occurred at the same time, 6:23 precisely. The last explosion occurred at 6:28 at Borivali station. In a span of just five minutes, seven horrible blasts took place.

These blasts were triggered using timers set for a particular time at a particular location. The intention was to cause maximum deaths, loss of property and create an atmosphere of fear and panic. The blasts paralysed the Western Railways completely and heavily affected Central Railways. As a result, commuters turned to Eastern Railways, causing heavy traffic jam in the entire area, which made medical aid to the injured difficult to reach.

A total of 178 people were killed and 817 injured. Later, the death toll rose to 179 as an injured died several years after the blast. It caused a loss of more than Rs 75 lakh to the railways. An unclaimed dead body was later identified as a Pakistani, who was said to be involved in the blasts and had placed a bag carrying bombs in one of the trains.

Cases were registered in various Railway Police stations. On 12 July 2006, under the orders of DGP Maharashtra, these cases were transferred to ATS Mumbai for further investigation. On 24 December 2006, *i.e.*, two and a half months after the blasts, MCOCA was invoked based on ATS's recommendations. Later it was concluded that all these blasts were the result of a single conspiracy. Consequently, all the cases were clubbed and further investigation was carried out under a common chief investigative officer. (Till then ATS, took suspects under separate police remands for every individual case and tortured them repeatedly. We shall discuss this later). It was also concluded that a systematic and meticulous plan was executed, to create an atmosphere of fear among the masses and cause loss of life and property. In these acts of terror, the involvement of following accused has come to our knowledge:

1. Kamal Ahmad Muhammad Wakil Ansari, Bihar
2. Dr. Tanveer Ahmad Muhammad Ibrahim Ansari, Mumbai
3. Muhammad Faisal Ataur Rehman Shaikh, Mumbai
4. Ehtesham Qutbuddin Siddiqui, Thane
5. Muhammad Majid Muhammad Shafi', Kolkata
6. Muhammad Ali Alam Shaikh, Mumbai
7. Muhammad Sajid Marghoob Ansari, Thane
8. Abdul Wahid Deen Muhammad Shaikh, Mumbai *(author)*
9. Muzzammil Ataur Rehman Shaikh, Thane
10. Suhail Mehmood Shaikh, Pune
11. Zameer Ahmed Lateef ur Rehman Shaikh. Mumbai
12. Naveed Hussain Rasheed Khan, Thane
13. Asif Khan Bashir Khan, Jalgaon

All the accused from 1-13 were arrested.

The following accused are wanted:

1. Azam Cheema *alias* Babaji, Pakistan
2. Aslam, Pakistan
3. Hafeezullah, Pakistan
4. Sabir, Pakistan
5. Abu Bakr, Pakistan
6. Qasim Ali, Pakistan
7. Ammu Jaan, Pakistan
8. Ehsaanullah, Pakistan
9. Abu Hasan, Pakistan
10. Rizwan Muhammad Dawre, Pune,
11. Muhammad Raheel Ataurrehman Shaikh, Thane
12. Abdur Razzaq, Hyderabad (presently in Pakistan)
13. Suhail Shaikh, Pune (presently in Pakistan)
14. Hafiz Zubair, Bihar (presently in Nepal)
15. Abdur Rehman, Pakistan (presently in Nepal)

Names of accused no longer alive:

1. Saleem, Pakistan
2. Abu Umaid *alias* Abu Usama, Pakistan

During the investigation it was revealed that in 1999 and after, the wanted accused Azam Cheema (a Pakistan national), arrested

accused Muhammad Faisal Shaikh, Asif Khan and others had planned these illegal activities:

To wage war against the Government of India. To recruit members and gather explosives for the planned terror activities. To terrorise the common masses, especially railway commuters with train blasts. To disturb the law and order and to create an atmosphere of fear and panic. To weaken people's confidence in legally established democratic government. To instil rebellious thoughts in the minds of Muslim youth. To provoke communal feelings among Muslims and incite them to commit terrorist activities. To procure funds from across the border and use Students Islamic Movement of India (SIMI) as a medium to sell provocative literature in English. To collect funds to execute criminal conspiracy. To give Muslim youth weapons training in Pakistan and teach them how to cause blasts. To give Muslims weapons training in India. To help Pakistani terrorists cross Indian border with explosives and cause blasts in India. To hide explosives at a secure place till the completion of mission. To continue activities of banned organisations like SIMI and Laskhar-e-Taiba and promote enmity between the two largest communities of Indian society. To make explosions in local trains and cause loss to the life and property of people. To disturb the law and order of the country, and so on.

According to the conspiracy, Azam Cheema took the responsibility of procuring RDX and sending Pakistani terrorists across the border who specialise in bomb-making. Muhammad Majid and Muhammad Kamal Ansari were given the task of sneaking in terrorists from India-Bangladesh border and India-Nepal border respectively. It was decided that bombs would be prepared at Muhammad Ali's house at Govandi, Mumbai. Asif Khan would procure material needed for preparing bombs, *viz,* bags, domestic utensils, ammonium nitrate, detonators, *etc.* and send them to Muhammad Ali's house. The arrested accused Muhammad Sajid was given the responsibility to keep ready the timer and other electric materials for "the final day".

According to the plan, to execute the conspiracy, the accused arrested in May 2006, Muhammad Majid, transported six Pakistanis into India via Bangladesh border namely: 1. Sabir, 2. Abu Bakr, 3. Qasim Ali, 4. Ammu Jaan, 5. Ehsaanullah, 6. Abu Hasan. Once they crossed the border, all these accused travelled by

train from Kolkata and reached Mumbai. Similarly, four of the wanted accused persons: 1. Saleem, 2. Suhail Shaikh, 3. Abdur Razzaq and 4. Abu Umaid entered India illegally from Pakistan crossing Gujarat border. Of these four, Saleem and Abu Umaid are Pakistani nationals and of the remaining two, Abdur Razzaq is from Hyderabad and Suhail Shaikh originally from Pune, but presently hiding in Pakistan. Kamal Ahmad Ansari helped Aslam and Hafeezullah cross Nepal border illegally and brought them to India.

We have clear evidence to prove that Ehsanullah, a Pakistani national, brought RDX along with him while crossing the border which was used on 11 July 2006, in Mumbai serial train blasts. (Actually, the police did not have anything except forced confessions).

Asif Khan received the wanted accused entering India illegally via Bangladesh border. He also made arrangements for their stay at Mira Road, Thane. Some other infiltrators were securely lodged at Faisal's residence, Perry Cross Road, Bandra, Mumbai. Two Pakistanis transported in by Kamal via Nepal border stayed at Sajid Ansari's residence, Mira Road, Thane. After the 11 July 2006 blasts, Ehtesham took all six Pakistanis (transported in by Mohammad Majid from Kolkata) to a flat in Mumbra. This flat belongs to the arrested accused Abdul Wahid Deen Shaikh.

During the investigation, according to the police, it was revealed that Faisal Shaikh, Dr. Tanveer, Suhail Shaikh, Zameer Ahmed, Muzzammil Shaikh and Ehtesham together had travelled in Western Railway trains from Mumbai to Virar to perform recce and choose targets. The conspirators decided that the blasts should be triggered in the evening hours of a working day, to cause maximum damage to life and property and to send a strong message to the government. The mastermind of these blasts, Azam Cheema from Bahawalpur Pakistan, who was also the high command of Lashkar-e-Taiba, gave green signal to these targets. This also reflects the ideology and policies of Lashkar. Lashkar has repeatedly declared through its website that their mission is to destroy Indian democracy and eradicate Hinduism.

Arrested somewhere around April 2006, the accused Ehtesham Siddiqui, Dr. Tanveer, Muhammad Faisal and Naveed Hussain Govandi went to Muhammad Ali's house and inspected the surroundings.

During 8, 9 and 10 July 2006, Sajid Ansari, Suhail Shaikh and another unknown Pakistani national prepared seven bombs at Muhammad Ali's residence in Govandi. Muhammad Ali, Ehtesham Siddiqui, Dr. Tanveer, Naveed Hussain, Asif Khan and Muhammad Faisal assisted them in various ways, the police claimed.

During the investigation it was revealed that the 'wanted accused' Azam Cheema and another Lashkar key member had setup training camps in Pakistan to give weapons training to Indian youth and had also sent funds through various sources, so that Indian Muslim youth wishing to seek training could travel using that money. During the training and after, Azam Cheema would provoke these Muslim youths saying: "Many atrocities are being committed against Muslims in India and we must avenge them." He thus prepared these youth for terrorist activities.

From 1993 to July 2006, Azam Cheema sent money to Muhammad Faisal Shaikh in India through wanted accused Raheel Shaikh and Rizwan Dawre. This money was to be used to publish jihadi literature, promote anti-India sentiments, fund the youth wishing to travel to seek terrorist training, bear the expenses of all individuals involved in planning and executing the aforementioned Mumbai train blasts. According to the investigation, till date Azam Cheema has sent around Rs 3.5 lakh and Saudi riyals 40 thousand through *hawala*.[a]

According to the police, the arrested accused 1. Muhammad Faisal, 2. Dr. Tanveer, 3. Kamal Ahmad Ansari, 4. Muzzammil Shaikh, 5. Suhail Shaikh, 6. Zameer Ahmed, and 7. Shaikh Muhammad Ali went to Pakistan and received weapons training at Azam Cheema's training camp. The conspirators took utmost care and made sure that their passports were not stamped during their entry into or exit from Pakistan.

During the investigation, marked maps were seized from 1. Muhammad Faisal, 2. Muzzammil Shaikh, 3. Suhail Shaikh, 4. Zameer Ahmed and 5. Dr. Tanveer. These marked maps revealed how they travelled from India to Iran (Tehran) and then to Pakistan. After their training these youths were given money and

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[a] An informal method of transferring money without using banks, and governments may lose tax with no information about such transactions.

asked to return home and send more Muslim youths to Pakistan for weapons training.

Among the arrested accused 1. Dr. Tanveer, 2. Muzzammil Shaikh, 3. Suhail Shaikh, 4. Zameer Ahmed procured *ziyarat* visas to Iran and from there secretly entered Pakistan and got weapons training.

Since 27 September 2001, the Government of India has banned all activities of SIMI. Despite this 1. Asif Khan, 2. Muhammad Faisal Shaikh, 3. Dr. Tanveer, 4. Ehtesham Siddiqui, 5. Suhail Shaikh, 6. Zameer Ahmed, 7. Sajid Ansari, 8. Abdul Wahid Shaikh, 9. Muhammad Ali Shaikh, 10. Muzzammil Shaikh, 11. Rizwan Dawre and 12. Raheel Shaikh continued being members of SIMI and participated in their activities, provoking Muslim youth against the policies of Indian government, fomenting hate among two communities through provocative literature and collecting funds to fulfil their grand mission.

Similarly, Azam Cheema and other wanted accused continued being members of Lashkar-e-Taiba despite ban and participated in its activities.

According to the police all accused willingly participated in terrorist activities and ultimately became the means for seven bomb blasts in first class compartments of Western Railways on 11 July 2006. These members of SIMI and Lashkar were in contact with Azam Cheema.

During investigation it was revealed that, two cases were registered against Asif Khan in Jalgaon, during February and May 2006. (Police used these very cases as basis to impose MCOCA on 7/11 case).

Asif Khan, Suhail Shaikh, Muhammad Faisal Shaikh, Ehtesham Siddiqui, Dr. Tanveer, Muzzammil Shaikh, Zameer Ahmed, Naveed Hussain Khan, Muhammad Ali Shaikh and Sajid Ansari conducted various conspiracy meetings at Sajid's residence, Mira Road, Thane, and Faisal's residence Bandra. It was decided in these meetings to choose targets to carry out large-scale blasts.

According to the conspiracy, Azam Cheema asked Faisal Shaikh to identify possible targets to cause huge explosions and create fear and terror in the minds of masses. Following the orders accused 1. Muhammad Faisal Shaikh, 2. Zameer Ahmed, and 3. Suhail Shaikh recced the World Trade Centre Mumbai, Stock Exchange, Mahalakshmi Mandir, Siddhi Vinayak Mandir, local trains and

some major shopping malls. The conspirators chose to abstain from targets other than local trains as the security at those spots was tight. Muhammad Faisal informed Azam Cheema that it would be better to cause the blasts in trains as they were crowded enough and were soft targets comparatively.

According to the conspiracy, on the evening of 10 July 2006 1. Muhammad Ali Shaikh, 2. Muhammad Faisal Shaikh, 3. Naveed Hussain, 4. Suhail Shaikh, a Pakistani national, and another unknown Pakistani national carried seven bags containing bombs from Muhammad Ali's Govandi residence to Faisal's residence at Bandra, in a Maruti car and a taxi.

On 11 July 2006, to execute the conspiracy, between 3:00 pm and 4:30 pm, the accused persons: 1. Ehtesham Siddiqui, 2. Naveed Hussain, 3. Asif Khan, 4. Faisal Shaikh, 5. Kamal Ansari and wanted accused persons: 1. Hafeezullah, 2. Aslam, 3. Saleem, 4. Ammu Jaan, 5. Abu Umaid, 6. Sabir and 7. Abu Bakr transported seven bags containing bombs from Faisal's Bandra residence to Churchgate railway station.

According to the conspiracy, bombs were placed in first class compartment of Western Railway local trains. In Matunga blasts, Kamal Ansari, along with Pakistani nationals Saleem, Hafeezullah and Aslam, had planted the bomb. Similarly, in Khar subway blast, Naveed Hussain, along with Pakistani national Abu Umaid, planted the bomb. In Jogeshwari blast, the bomb was planted by Faisal Shaikh and Pakistani national Abu Bakr. In Borivali Blast, Asif Khan, along with Pakistani national Sabir, placed the bomb. In Mira Road blast, Ehtesham Siddiqui and Pakistani national Ammu Jaan did the job. In Bandra and Mahim blast, the Indian and Pakistani nationals who planted bombs are yet to be identified. (The police have failed to identify these four terrorists even to this day).

The accused had procured explosives and detonators to execute the plan. During investigation, 500 grams of RDX was recovered from accused Kamal Ansari's residence. Similarly, traces of RDX were collected from Muhammad Ali's Govandi residence, which was used to prepare bombs during 8 to 10 July 2006. Traces of RDX were also collected from Faisal Shaikh's Maruti Car. The bombs were carried in this very vehicle from Govandi to Bandra. Traces of RDX were also collected from Muhammad Faisal's Bandra residence. Before carrying them to Churchgate station on

11 July 2006, all bags containing bombs were kept at this Bandra residence itself. Following Asif Khan's confession and instance, 7.2 kgs of ammonium nitrate powder and 10 detonators were recovered from his Mira Road residence. Similarly, fatal compositions like sulphuric acid, acetone and hydrogen peroxide were seized from Dr. Tanveer's possession. According to the experts, mixing these components in appropriate proportions produces a composition called TATP, which has a potential to cause high intensity blast.

According to experts, RDX, ammonium nitrate and petroleum hydrocarbon oil were used in these blasts.

Pakistanis, who had entered India *via* Gujarat border were initially lodged at Muhammad Faisal's residence. Later, two of them were shifted to a flat at Millat Nagar. The police are making efforts to identify the particular flat. (The have police failed to pinpoint this flat till date). After the blasts, some Pakistanis stayed at Abdul Wahid Shaikh's flat at Mumbra. Later, the accused Muhammad Majid helped them all escape from Mumbai.

On basis of the evidence collected by investigative agencies it is clear that the aforementioned accused executed their conspiracy successfully and committed multiple crimes under various sections. Therefore, it is humbly submitted that legal action be taken against the grievous crimes of these above mentioned accused persons."

ACP Patil submitted the above report with a chargesheet of 12,000 pages containing more than 2,000 witnesses. All of them are fake.

According to media reports, this investigation (fake story) was completed by 246 policemen in 142 days.

The ATS chargesheet: A fake story

The ATS chargesheet and their story is nothing but a blatant lie. The police misuse the powers they are bestowed upon by the Constitution. They can easily implicate an innocent person in a serious case and submit a chargesheet of thousands of pages and produce hundreds of witnesses. In this case too, the ATS misused the excessive powers conferred on them and submitted a false chargesheet before the court. People are deceived by the length of chargesheets and a huge number of witnesses. When they see such a voluminous chargesheet and numerous witnesses, they easily get

the impression that the accused must have definitely done something wrong, and think something is fishy! There is no smoke without fire! Such thoughts usually start arising in the minds of common people.

This author would like to say it with utmost certainty that, arresting an innocent person, implicating him in a false case, submitting a chargesheet of thousands of pages and producing hundreds of witnesses is a child's play for the police. This is because the law says whatever chargesheet the police submit, the court considers it *prima facie* true. Even the judiciary does not have the authority to disregard it.

Whenever a person is arrested, the court considers all accusations against him to be true as long as the accused himself does not produce the proof of his innocence. Let us understand this with an example: Let's say a person is murdered in Mumbai. Despite all efforts, the police remain clueless about the whereabouts of the murderer and fail to arrest him. In such a situation, the police have three options: First, to keep searching for the culprit, ultimately admit failure to arrest the murderer and close the file. Second, admit failure, seek further time from the judiciary and continue their hunt. In both of the above scenarios the police have to face embarrassment and criticism. The police are always under pressure from governments and masses. Admitting such a failure would escalate the pressure further. It would also anger the masses. It would bring a bad name to the entire police department in general and the investigating officers in particular. Nobody knows how many months or years it would take to nab the criminal. Add to that the pressure mounted by family of the victim. There is no guarantee that the government would give them further time. It is also quite possible that on seeking further time, the judiciary might transfer the case to other investigative agencies like Crime Branch, ATS, IB, NIA etc. This would cause more embarrassment to the police department. And if other agencies succeeded in solving the case, nabbing the criminal and presenting him before the media, then it would lead to action against the police officers who proved themselves inefficient in performing their duty. Why would the police accept their failure? Why would they face embarrassment, invite disciplinary action and public anger for their inefficiencies? Instead, they prefer an option that guarantees them fame, praise from governments and masses. It also

fetches them promotions and medals. The police ultimately choose the third option which has no loss, nor any accountability. We, the masses, usually fall victim to this third option which is nothing but false implication. The police arrest an innocent person, present him before the media and make tall claims that they had arrested him after great efforts, risking their lives, and that they had concrete evidence against him. Later, with the help of false witnesses, they submit a chargesheet before the court.

Now the poor fellow, falsely implicated in the case, no matter how much he shouts: "I am innocent, I did not kill anybody. In fact, I was hundreds of miles away from the crime scene!" nobody lends an ear to his plea. The judge simply keeps assuring him: "If you are innocent, you shall be released. Find a good lawyer and defend yourself." He is then imprisoned for years together in the name of trial. Even if he is released eventually, he has already wasted 5-10 years of his life in prison. In the meantime, the police officers who implicated him falsely are promoted and elevated to higher positions. The person acquitted eventually cannot take legal action against the police officers who implicated him falsely as the Constitution has framed laws for their protection and security.

This author would like to go a step further and claim that not only do the police implicate innocents in fake cases, but they also often succeed in getting them convicted. This is not at all a difficult task for them and this is exactly what they have done in the 7/11 Mumbai train blasts case.

You must be wondering how is this possible. Is there no law and order in the country? Is the judiciary blind? Or, is India ruled by the police? Yes. It is police-*raaj* indeed! The police officers who to hide their failure and incompetence, framed innocents as scapegoats, invented a chargesheet against them, created witnesses, and got promotions and accolades after claiming to have cracked the case. How can they let the case fall apart? These false cases ultimately become a collective ego issue and a question of reputation for them. Thus, they pay utmost attention to trial of the case. The witnesses are coached before they appear in the court. They hand their fake witnesses the statement they are supposed to make. They are made to memorise their statements on oath. They are rehearsed and coached on how to face cross-questioning. Thus, all witnesses record their statements against the accused and recognise the imagined murderer successfully.

The police have hundreds of readymade *panch*-witnesses in every city. They are called "stock witnesses". The magistrates cannot rip open a person's heart to confirm whether the witness is speaking truth. They just go by their statements on oath. On the other hand, the police keep assuring the accused not to worry saying: "You are innocent... You have done nothing wrong... You will be free soon... This is just a formality to show the higher officers... so on..." The poor fellow falls for their hollow assurances, unaware that the case is slipping from his hands. Finally, the judge, on the basis of the witness accounts declares the accused guilty and sentences him to life imprisonment or to hang till death for the murder he did not commit. Thus, the judge delivers his constitutional duty.

You must be wondering why would the accused not produce evidence of his innocence before the court? The answer is that the police have full authority in this matter. They can call anyone, anytime, for investigation and record his or her statement in police diary and case diary. This recorded statement alone is enough evidence. On one hand it is very easy for the police to record statements, make *panchnamas,* retrieve call data record (CDR), trace location of a person, prepare his sketch, record his statement before a magistrate, or take his confession. On the other hand, it is extremely difficult for the accused to produce witnesses in his defence before a court and, in some cases, it is even impossible.

We must have seen in old Bollywood movies how the judge is just about to pronounce the accused guilty, sentence him to hang till death and suddenly a person shouts: "*Rukiye judge sahab! Main kuchh kehna chahta hoon. Ye shakhs begunah hai.*" (My Lord! Wait a moment, please. I have something to say. This person is innocent.) Then the judge says, "*Aapko jo kuch kehna hai, katehre mein aakar kahiye*" (Whatever you want to say, come and say it from the witness box). Then that abrupt intruder stands in the witness box, narrates the whole story and, finally, after hearing the story, the judge acquits the accused with dignity and honour" (*baa-izzat bari*).

However, in reality nothing of this sort happens. The system has tied the hands of the accused so tight and constrained them so completely that despite thousands of witnesses and heaps of evidence available they fail to prove their innocence. Because presenting them before the court following a tedious technical

procedure is like bringing stars down to the earth from the sky or diving to the sea bed at Mariana Trench.

Let us assume an innocent person is arrested for a murder he did not commit and he claims he was hundreds of miles away from the crime scene, in another distant city. He has two types of evidence to prove this: Firstly, the people whom he met, wherever he went and interacted with people on the day and time of the crime. Secondly, the call data record (CDR) and the location of his mobile phone. Let's say, if a murder is committed in Mumbai and the accused was in Delhi, the mobile location would definitely show his presence in Delhi. But the accused cannot wave the mobile or the papers of his call data record at the judge in Bollywood style and say; "My Lord! Look at this, at the time of murder I was in Delhi and this mobile is its proof." The practical procedure is not that easy; he has to go through tedious technical procedures to produce the CDR and proof of his mobile location before the court.

You have to make many painstaking efforts to achieve this; First of all, you have to file an affidavit in the court and explain how important this CDR is in proving your innocence. If the judge is convinced, he accepts it. Usually, such applications are entertained in the last phase of trial. By then the accused has already suffered for several years in jail. The mobile company then says: "We do not preserve data for more than a year, so we cannot provide CDR and mobile location." Even if after turning the world upside down, you succeed in pursuing the mobile company to release your CDR and mobile location, the police still insists against your innocence saying: "My Lord! Even if the location of the mobile is pinned to Delhi, the accused was practically in Mumbai at the time of murder. He had intentionally left his mobile in Delhi, so that he could commit the murder in Mumbai and later deceive the court with his mobile location."

Thus, the accused fails in proving his innocence despite the call data and mobile location. Moreover, whomever he tries to present before the court as witness, who can confirm that he was not in Mumbai, but in Delhi? The police spoil all his efforts. The witnesses are threatened and pressurised, saying, for example: "If you try to favour the accused person, we shall implicate you and your family in some fake case and lock you up." In order to save their reputation, the police use every possible tactic to prevent the

witness from speaking in favour of the accused. Most people desist from deposing in the courts only due to pressure from the police. Thus, goes the popular notion amongst the masses, *"Police ki dosti bhi achhi nahin aur dushmani bhi achhi nahin* (Neither is the friendship with police good nor enmity)."

On one hand, most people hesitate to come forward and bear witness in favour of innocents and, on the other, fake witnesses due to pressure from the police, or for easy money, or for their friendly relations, speak against the accused and identify him as the murderer. Thus, the judiciary under the influence of these fake witnesses and fabricated evidence pronounces the accused guilty and punishes him. If this is the state of just a routine murder case, then imagine the fate of a Muslim, especially accused in a case of terrorism or bomb blast, investigated by a specialised police, under a draconian law, in a special court. In such cases all the fabrications and cover-ups happen at higher levels.

The 7/11 case, its chargesheet running into thousands of pages and the list of hundreds of witnesses, all need to be viewed in the backdrop of such a scenario. Only then will one be able to understand the reality.

Analysis of ATS final report

ACP, SL Patil submitted his report before the court which said, a total of 30 accused were involved in Western Railway serial blasts. Of these, two are dead, 13 arrested and 15 absconding. Interestingly, all arrested are Indians and almost all absconding are Pakistanis (10 of them). The police have no other evidence to prove the involvement of these accused except their so-called confessions. The reality of these confessions shall be exposed in the forthcoming pages.

From day one, all the 13 arrested accused have been consistently saying before the court and media that they are innocent and have no role in these blasts. Especially, Kamal Ansari, Faisal Shaikh, Muhammad Sajid, Naveed Hussain Khan and others deposed before the court during their police custody that they were innocent and the court recorded these statements. They have deposed before the court both verbally and in writing that they are innocent and falsely implicated in this case. Every accused has submitted in detail as to where he was a day before the blast, on the day of the

blast and a day after that. They have mentioned in detail what they were doing and who were with them on these days.

Most of them have established their innocence submitting to the court their CDRs and mobile locations proving that they were not in the city on the day of blast. Many have produced witnesses in their defence and have also submitted statements on oath. The details shall follow in coming pages.

Why did the police fail to arrest any Pakistani alive?

The police claims that they have identified 12 Pakistani nationals involved in this case. Their names have been mentioned earlier. It is strange that they have failed in arresting even a single Pakistani national. On one hand, they claim that these Pakistani nationals entered India in May 2006, stayed in India for nearly two months, hatched the conspiracy, caused the blasts and went away. But, on the other hand, they fail to confirm their complete names, their addresses, their age, appearance *etc.*

The arrested accused have been in custody for 70-80 days. They were able to recall details of the journeys they made several years ago. But why is it that they were unable to provide basic information about the Pakistani nationals they spent last two months with? There is only one answer to this question: they never met any Pakistani national, nor did they spend time with them, nor hatched any conspiracy. The ATS intentionally added the names of some Pakistani nationals just for the sake of sensationalising the story. The police believe that Indian Muslims are faithful to Pakistan and can cause any sort of loss to India with the help of Pakistan and ISI. That is why the police name some Pakistani nationals and some Indian Muslims in every bomb blast case. The names and addresses are intentionally kept incomplete because if complete names and addresses are released the Pakistan government would investigate and declare that such an address does not exist in Pakistan, or even if the address existed, no person with such name did ever reside there. The police fear that their fake story would get busted on reality check and to avoid this they always provide obscure data regarding Pakistan's involvement.

The ATS report further claims that Azam Cheema, Faisal Shaikh, Asif Khan and others hatched the conspiracy of bomb blast in India and also on foreign soil, but they fail to mention when and

how all the arrested accused came in contact with Azam Cheema. Where did they conduct their first meeting? ATS also failed to produce the call data records of their conversations. It is surprising that all accused had been using mobile phones but none of the call data records shows even a single incoming or outgoing call from Pakistan.

The ATS sought custody of these accused multiple times stating the reason that "all of them were in mutual conversation with each other and with their co-conspirators in Pakistan. We are investigating their mobile phones and call data records. We need further time to interrogate the accused in this regard. Kindly extend their custody." The court readily considered these reasons and extended their custody, where they were tortured brutally. But in the end when the chargesheet was submitted before the court, the ATS did not furnish call data records of any of the accused persons. The ATS also failed to provide even the phone numbers of the accused Pakistanis.

All these point towards the fact that the ATS report is nothing but a fake story. It is a claim without any evidence. In this age of computer technology, people use internet to contact each other. If the accused had contacted Azam Cheema through email, Facebook or twitter, the police would have produced the record of their conversations. But no such record was produced because the accused did not contact anyone ever in Pakistan, nor did they hatch any conspiracy.

ATS deletes call data records from its final report

The chief investigating officer of 7/11 had claimed that mobile phones used in 2006 had been seized from all accused and their numbers were:

1. Kamal Ansari (Accused no. 1): 09934610679 and 06246273679,
2. Dr. Tanveer (Accused no. 2): 09869320457,
3. Faisal (Accused no. 3): 0989231224,
4. Ehtesham (Accused no. 4): 09867139179,
5. Muhammad Ali (Accused no. 6): 09224253454,
6. Muhammad Sajid (Accused no. 7): 09224446830, 09867244681,
7. Abdul Wahid (Accused no. 8): 09870383933,

8. Muzzammil (Accused no. 9): 09980472400, 09867329067,
9. Suhail (Accused no. 10): 09372111729,
10. Zameer (Accused no. 11): 09820582720,
11. Naveed (Accused no. 12): 09866772114,
12. Asif Khan (Accused no. 13): 09867209894.

Notice the flip-flop and the ultimate failure of the investigative agencies: At first, the ATS sought police custody stating "we have to interrogate the accused regarding every incoming and outgoing call on these numbers." With pleasure, the court granted them custody and extended it multiple times. The ATS claimed that the accused had been in touch with each other and their masters in Pakistan (Azam Cheema *etc.*) through these cell numbers. Then they said these phones had been sent for forensic investigation and they were waiting for their reports. Then they said the ATS forensic team was working tirelessly day in and day out collecting data from call data records of these mobile phones. Then the ATS said the accused had decided not to keep their mobile phones with them on the day of investigation, implying that on other days before the blasts while they were busy hatching conspiracy, they had carried their mobile phones with them for use. Then the ATS said: "We have asked the mobile companies to send CDR and locations of the aforesaid numbers." At last, the ATS admitting their failure, deposed before the court saying, "Our team investigated the mobile numbers with great effort and concluded that no substantive evidence had come forth against the accused, so the details of call data record have not been mentioned in the chargesheet." What then was the purpose of these repeated custodies and the horrific tortures? Nothing at all?

From day one the accused had been saying: "We are innocent and our mobile locations prove our innocence." In this regard, many accused had filed affidavits in 2006-2007 requesting the trial court to order the ATS to present call data records and mobile phone locations. Every time they were ordered the ATS gave obscure answers. Initially they said: "The police does not believe this evidence." Then they said: "We do not have the CDRs and mobile phone locations of the accused." At some point they said: "We lost the data." Later they said: "The data got deleted." Despite all these flip flops and evasive tactics, the court still

favoured the prosecution, believed their narrative and rejected ou plea.

Then the accused took the matter to High Court, represented by reputed advocate Yug Mohit Chaudhary. Judge Abhay Thipsay, an upright person, rightfully gave the decision stating clearly that the fate of the accused must only be decided after their call data records and mobile phone locations were presented before the court. After this order the mobile companies deposed that they could provide data of the previous two years only, and it was difficult to retrieve data older than two years. We, the accused, again said: "It is difficult, not impossible. So, the data should be retrieved as it is the High Court's order." The mobile companies said it would cost Rs 30-35 lakh to retrieve the data. Hence the amount must be sought from the accused. We said we had been imprisoned since last 7-8 years, our advocates were hired by Jamiat Ulama to represent us. From where could we possibly bring such a huge amount? The High Court again insisted on the mobile companies to present the CDRs and mobile phone locations. At last, the mobile companies submitted the CDRs, with phone locations. The data busted the ATS's fake story and proved all their claims wrong and baseless. The ATS claimed that a particular accused was at such and such a place on a specific date and time, but the call data record demolished their claim and established that whatever the accused were saying from day one regarding their innocence was true. When the judge finally saw the CDRs, he was shocked. He ultimately accepted before pronouncing judgment that the ATS had intentionally hidden the data.

With the call data records finally in public domain, journalist Ashish Khetan came into action. He conducted a sting operation in this case and also filed a PIL in Mumbai High Court *(See part 6 in this book)*. Almost all media houses came to see us at the court. They even visited our houses and telecast stories on our innocence. Abu Asim Azmi, MLA, came and met us in court. He said there is no doubt about your innocence now. We shall raise this issue in assembly with all our strength.

Why did ATS say the accused had decided not to carry with them their mobile phones? Because they knew if the CDRs and mobile phone locations were revealed it would prove that at the time the bomb was planted the accused were not at Churchgate, but far away at some other places. This would make the case fall

on its face. To save themselves from failure, the ATS deliberately hid the call data records and claimed that the accused had decided not to carry mobile phones with them on the day of blast.

When the IO (Investigating Officer) was asked whether any of the accused had his mobile phone with him on the day of blast in switched on mode? The IO replied in negative. This meant that according to the ATS the mobile phones of the accused were "switched on" but in possession of another person. This answer was a major blunder of the ATS which they would never able to rectify. In a similar instance, when the ATS implicated Himayat Baig in German Bakery blast, they brought forth a coached fake witness who gave false statement in court that Himayat Baig had left his mobile phone with him on the day of blast. The court believed this fake witness and sentenced Himayat Baig to capital punishment, which was later reduced to life imprisonment by Mumbai High Court.

The importance of call data record

Under draconian laws like MCOCA, call data record is considered an important evidence. In most cases under MCOCA, call data records are included in chargesheets as strong evidence and the accused are often convicted on the basis of these records. But, in this case, the ATS did not present any call data record. When the police produce CDR in a case, they say a mobile has become a man's basic necessity in these times. So, it has to be presumed that the accused did have a mobile phone of his own. The presence of the mobile phone of the accused at the crime scene confirms that he was present at the location and committed the crime.

But, in this case, contrary to the usual pattern of argument, the public prosecutor said, mobile phones are common; they are not inseparable parts of our bodies that they accompany us wherever we go. Often criminals do not keep mobile phones with them, in order to mislead the police that they were far away from the crime scene at the time of crime. This is exactly what the accused have done in this case. The ATS claimed that Kamal Ansari, Faisal, Naveed, Ehtesham and Asif Khan had been to Churchgate to plant bombs whereas their mobile locations proved that at the time of blast Kamal Ansari was miles away in Madhubani, Bihar. Faisal was in Bandra, Ehtesham was in Mira Road, Naveed Hussain was

in Hyderabad and Asif Khan was in Andheri; all busy with their routine activities. The ATS was unable to produce even a single witness who could confirm that any of the accused had given him the mobile phone on 11 July 2006, asked him to keep it on, make and receive calls, before going away to carry out the blasts, and returning to collect the mobile phones on way to their homes. Some of the call data records produced were incomplete. In some instances, the mobile companies failed totally. Dr. Tanveer's mobile was from MTNL, which could not produce CDR. In any case, these were enough to prove that the accused were innocent.

Legal status of call data record

When the IB, RAW or the police get suspicious about a particular number, they ask their subordinates to keep an eye on them. Every incoming and outgoing call is tapped and the record is preserved on CDs. Later, they pretend as if they had seized the accused person's mobile in presence of the *panch*-witnesses. The fact remains that the work is done before hand. Finally, the CD is submitted to the court as evidence against the accused. When a person is arrested the police ask the mobile company to provide his CDR and mobile location. Legally, it is compulsory for every mobile company to appoint a nodal officer whose job is to retrieve the mobile location and CDR of the concerned person, of the mentioned duration from the main computer. He is supposed to provide a hard copy (printed version) of the same to the investigating agency with certificate attached, testifying that the information provided is authentic and correct. CDR usually contains information regarding how many calls a person made on a particular day. To whom he made those calls. How long did the conversation take place. From what location were the calls made. How many calls came in. How many were received. From what numbers the calls came in. How many messages were sent. To whom were they sent. How many messages came in and from whom. How long was the mobile on. When was it switched off. When was it switched on again. When the mobile entered roaming zone? When did it leave the same. So on. Then again the same nodal officer is supposed to appear before the court and depose that the investigative agency had sought information regarding a particular mobile number belonging to their company and they had provided them with the information and attached an

authenticity certificate with it. This copy submitted to the court is the same. Thus, the authenticity of the CDR is established after the testimony from the nodal officer. The police, typically on the basis of this evidence prove the accused guilty and appeal for his conviction. Often the judiciary convicts most accused on the basis of their CDR and mobile locations. The Supreme Court has ordered that the CDRs and mobile locations (electronic record) shall be accepted as legal evidence.

ATS is all claims and no evidence

The ATS claims that in May 2006, a meeting took place at Faisal Shaikh's residence in which the bomb blast plan was given its final shape and everyone was given various responsibilities. But, the report fails to mention the specific date and time of the meeting, the participants of the meeting, total number of members present and who presided the meeting. And when was the meeting called. Who informed and invited the people to the meeting and how.

The ATS does not have even a single witness to prove that the alleged meeting did ever happen; not even a fake witness. According to the police, various conspiracy meetings were held at Lucky Villa Building, Perry Cross Road, Bandra, a place marked by constant hustle and bustle. But strangely none of the neighbours noticed the accused come in or go out or indulge in suspicious activities. The police could not bring forth even a single resident of the building as a witness.

The report goes on to say that the arrested accused, Muhammad Majid, had sneaked into India six Pakistani nationals *via* Bangladesh border; namely: 1. Sabir, 2. Abu Bakr, 3. Qasim Ali, 4. Ammu Jaan, 5. Ehsaanullah, 6. Abu Hasan.

This allegation is false. In West Bengal, near Kolkata, there is a town called Bongaon close to Bangladesh border. The border has an integrated check post, wherefrom people legally enter or exit India from Bangladesh. It is impossible for anyone to enter India from this place with their Pakistani passports and explosives. If the six Pakistani nationals had entered India legally, then why is there no record of the same at the check post? On the other hand, if they had sneaked in illegally, then how were they successful in smuggling in such huge suit case and explosives without getting noticed? And if they had to enter India illegally, why did they carry

their passports with them? Moreover, if they had entered India illegally from Bongaon and had left two months later, after the blast, and given the fact that ATS had already confirmed this illegal entry and exit, why did not the Bongaon police lodge any complaint against this illegal entry and exit?

An accused, arrested in this case, filed an RTI and asked the Bongaon police whether six Pakistani nationals named so and so, had entered India from their check post in May 2006. The police replied in negative saying: "No foreigners with such names have entered India in May 2006 *via* our Bongaon border."

The ATS claimed that, Muhammad Majid had brought in six Pakistani nationals via Bongaon. They produced Muhammad Majid's business partner, a fake witness, before the court to substantiate their claim. Muhammad Shakeel Muhammad Mehboob a resident of Kolkata, used to run an eyeglasses shop with Muhammad Majid. Muhammad Majid had invested all his money in this business. Muhammad Shakeel wanted complete control over the business after Majid's arrest. He easily came under the influence of the police and gave a false statement before the court against Muhammad Majid. However, this fake witness was blown away by the RTI query. According to the reply to the RTI query, six Pakistanis, or foreign nationals, had not entered India *via* Bongaon. Then how would Majid bring them to Kolkata from Bongaon?

Unfortunately, some men for the sake of meagre material benefits and to usurp businesses, give false statements before a court against innocents. Neither they fear God, nor do they think about their Hereafter. People like Muhammad Shakeel should repent for their transgressions before death catches them unawares. Such people destroy their eternal Hereafter for the sake of this short life here in this world.

Many non-Muslims gave false statements against the accused before the court, but unlike Shakeel, they never knew how grievous a crime it is to give a false statement.

The ATS claimed that six Pakistani nationals had stayed at Majid's residence situated in a busy locality, but they failed to produce even a single evidence to prove this. Neither Majid's family, nor anyone from the neighbourhood alerted the police that six strangers had been seen frequenting Majid's residence. The ATS also claimed that Majid brought these six Pakistani nationals

to Mumbai from Kolkata by train and took them back after the blasts. But, yet again they did not produce any evidence to prove it. They also failed to inform the court as to on what date and what time, by which train they arrived in Mumbai from Kolkata. All that ATS had was nothing but hollow claims, without any evidence whatsoever.

In a similar manner, the ATS claimed that accused Kamal Ansari had brought in two Pakistani nationals *via* Nepal border and some Pakistanis had infiltrated India through Kutch border in Gujarat, but as usual they did not produce even a shred of evidence to prove it.

The miraculous RDX

The ATS report further mentions that the Pakistani national Ehsanullah had brought with himself RDX while sneaking in from Bangladesh border. The chief investigative officer, Sadashiv Laxman Patil, had informed the court that Ehesanullah had brought 15 kg RDX with him. As mentioned earlier, it is clear from the RTI reply that none of the alleged six Pakistani nationals, including Ehsanullah, had entered India. So, it is also understood that no RDX ever came to India from across the border. What is more shocking is that on 8 September 2008, two bomb blasts occurred in Malegaon Masjid and its graveyard. This case also was investigated by ATS. The ATS arrested (again) two of the 7/11 accused, Asif Khan and Muhammad Ali, in this case, too. The police alleged that both these accused were involved and that after the 7/11 blasts they had given the remaining RDX to be used in Malegaon blasts. The ATS said: 15 kg RDX was used to cause seven high-intensity blasts and despite the magnitude of these blasts, some RDX was still remaining to be used for future blasts. According to the ATS, out of 15 kg, 20 kg RDX was forwarded for Malegaon blasts by Asif Khan and Muhammad Ali. Weirdly enough, this miraculous RDX after the blasts instead of decreasing, it goes on increasing in volume. This miraculous RDX is evidence enough to prove that the whole story of Pakistani national Ehsanullah coming to India and bringing along RDX is false.

Why the ATS does not bring forth eye-witnesses?

The ATS claims that six Pakistani nationals had stayed at Asif Khan's Mira Road residence. Some Pakistanis stayed at Sajid's Mira Road residence and on 11 July 2006, some of them stayed at Abdul Wahid's residence at Mumbra. But they do not have any evidence to prove this claim. Mira Road and Mumbra are very dense and populous localities. All the three flats are located in societies where these accused lived with their families. How is it possible that these Pakistanis stayed in these flats for so many days but none of the residents of the society noticed these strangers come or go with Asif Khan, Sajid Ansari, or Abdul Wahid? Why did the police fail to bring forth at least a coached fake witness?

ATS had already arranged many fake witnesses from other places, so it could have managed some more from these societies also to testify that the Pakistanis had stayed at these flats. But the ATS did not do so, because they did not want to spoil the case themselves or make the forgery obvious. They wanted to produce as few eye-witnesses and testimonies as possible because fewer witnesses would mean less contradictions during cross-questioning. The ATS had procured signatures of 11 out of 13 arrested accused on (fake) confessional statements, which under the MCOCA were admissible evidence. That is why the ATS ignored most other aspects and did not bother to gather evidence or witnesses. And to prove that their investigation report was true, they told the court that they only brought forth the evidence they got easily and did not go hunting for witnesses or pressurising anyone who refused to testify against the accused.

It is mentioned in the report that some of the accused had travelled in Western Railway trains to recce and choose targets for the blasts. They did not produce any evidence or witness to prove this.

Bomb-making

The ATS has mentioned in its report that in April 2006 Ehtesham Siddiqui and Faisal Shaikh had been to Muhammad Ali's residence and had made an assessment of the surroundings. The police failed to produce any evidence or witness. On the contrary, the CDRs of Ehtesham and Faisal show that they had never been to Govandi in April.

According to the police, the process of bomb-making continued for three days at Muhammad Ali's Govandi residence but, strangely, none of the family, relatives, nor neighbours, nor people from the locality caught or found them making bombs. On the contrary, two witnesses from Vikroli, Mumbai, appear at Ali's Govandi house and caught them making bombs. The ATS recorded statements of these two witnesses in the chargesheet. The witnesses were: (1) Amar Khan Sardar Khan, a resident of Madina Masjid, Park site, Vikroli (West), Mumbai and (2) Ajmeri Muhammad Ali Shaikh *alias* Ajju, resident of Amina Bai Chawl, Maulana Compound, Ghatkopar (West), Mumbai. Of the two witnesses, only one, Amar Khan came to the court and gave a statement. The ATS desisted from summoning Ajmeri to the court because he was an important witness in 2003 Gateway of India bomb blast case. He had also testified before the POTA court and had given many false statements. The accused in 7/11 had beforehand procured details of his false statements through RTI. In 2006, crime branch Ghatkopar unit had falsely implicated Muhammad Ali Shaikh in weapons training case. In this case too Ajmeri Muhammad Ali Shaikh and Amar Khan Sardar Khan were the main witnesses. Both witnesses said in court during their statement on oath that they do not know any 'Muhammad Ali'. A person who regularly testifies for the police department is called regular and fake witness. To avoid embarrassment, the ATS decided to be content with producing only one witness Amar Khan Sardar Khan and did not trouble Ajmeri to bear witness.

Contradictions in bomb-making story and chargesheet

The ATS claimed that on 8, 9 and 10 July 2006 seven bombs were prepared. The ATS chargesheet contains evidence against this claim. According to the chargesheet submitted to the MCOCA court at least four of the witnesses have told the court that on 8, 9 and 10 July 2006, for all the three days Muhammad Ali's family and his brother's family were present at their residence and had not gone anywhere. The four witnesses are Muhammad Ali Shaikh's wife, Saeed-un-Nisa, Muhammad Ali's brother, Hazrat Ali, and two of his neighbours, Muhammad Naseem and Asghar Ali Khurshid. The ATS recorded statements of all the four aforementioned and put their names as witnesses in the

chargesheet. However, the ATS did not summon any one out of these four to testify before the court. The reason is very clear; testimonies of these four would completely demolish the ATS's bomb-making story. Muhammad Ali's Govandi residence is a mere 10x10 feet hovel. If 3-4 members sit in the house, there won't be space anymore for others to sit or pass through. How is it possible that Muhammad Ali's family was in the house and another 5-6 guests came home, stayed there for three days and prepared bombs without any difficulty? It is impossible that so many people together stayed in such a small space.

Add to that the accusation that they stayed there for three days and prepared bombs, but there was no witness to this from the neighbourhood.

Contrary to this, there are four witnesses to testify that Muhammad Ali's family was at his residence on 8, 9 and 10 July 2006. But the ATS does not want their testimonies to be heard in the court. The ATS actually pressurised and tortured Muhammad Ali's family to force them to give false statements in the court that on 8, 9 and 10 July 2006 they and their brother's family were sent to one of their relative's residence in Govadi's Rafeeq Nagar so that the terrorists could prepare bombs easily. But Muhammad Ali's family did not budge and recorded the truth in their statements.

Muhammad Ali's wife patiently bore all the oppression, but did not agree to narrate the ATS's fake story before the court. She told the ATS clearly: "No bomb was prepared in our house! Even if you murder my husband or kill us, we will never accept, nor testify that we had been away from home for three days and bombs were prepared during these days." The ATS used to barge in Muhammad Ali's residence during night hours, bang the door, batter his kids, threaten their women and say that they would kill Muhammad Ali in fake encounter. But despite this Saeed-un-Nisa remained unmoved like a mountain and refused to falsely testify before the court.

Defence witness Hazrat Ali Alam Shaikh

Despite recording Hazrat Ali's statement and including his name in witnesses in the chargesheet, the ATS did not summon him to testify before the court. After this the accused Muhammad Ali

produced his brother before the court as defence witness. Testifying before the court, Hazrat Ali said that on 8, 9 and 10 July 2006 his brother's family and his family were at home. He also confirmed that during these specific days Muhammad Ali was at his home after his daily working hours and no friend nor any stranger came to see him.

He complained to the court that after 11 July 2006 blast the police tortured their family brutally. For two months Muhammad Ali was detained illegally and regularly tortured. Only later he was produced before the court as an accused arrested in the 7/11 case. Hazrat Ali's testimony raised suspicion on Amar Khan's testimony. Amar Khan then lied before the court that when he went to Muhammad Ali's residence, Ali's family was not home and he saw some people assembling something.

The eye-witness of bomb-making: Amar Khan

According to the ATS, "during July 2006 Amar Khan and Ajmeri had been to Govandi for some work and casually paid a visit to Muhammad Ali's residence. They saw Ehtesham Siddiqui and Dr. Tanveer standing outside the house. The door was open. When they entered the house, they saw Muhammad Ali with 3-4 men sitting with a paper spread before them. They saw two powders of black and white colour and the accused were doing something with the wires in their hands. After sometime, Amar Khan and Ajmeri left from there.

After two and a half months, they (Amar Khan and Ajmeri) saw Muhammad Ali's photo on the front page of an English newspaper (*Mumbai Mirror*) and the caption read, "This is the person who made all the bombs used in 7/11 blasts." Reading the news, they recalled the incident during their last visit to Muhammad Ali's house. After some days with the help of a police constable near Ajmeri's residence, they succeeded in reaching to ATS and finally they became the eye-witnesses of this case."

This fabricated story has many loopholes. Amar Khan was unable to recall the exact date of his visit to Muhammad Ali's residence. What was the purpose of his visit to Govandi and whom did he meet? Amar Khan could not recollect. When they entered the house, did Ehtesham or Dr. Tanveer not try to stop them? If there was some illegal activity going on inside the house, then

Ehtesham and Dr. Tanveer would have definitely stopped them. Was the door of his house so wide open that anyone passing by could easily see what was happening inside? Was the door open so that anyone could enter the house easily? The fact that the door was open itself testifies that there was no suspicious activity going on inside. If someone wants to makes bombs, he would do so with the doors and windows of his house shut and all curtains drawn. The open door of Muhammad Ali's house at that time proves that there was no such bomb-making going on as claimed by Amar Khan.

Many questions arise out of Amar Khan's story. If he had witnessed some people preparing bombs at Muhammad Ali's residence, why did not he inform the police immediately? If he had done so, none of the blasts would have occurred and so many lives would not have been lost. It is not that he is unfamiliar with police department. He has more than one case registered against him at Park Site and Vikroli police stations and keeps visiting them frequently. Similarly, he is familiar with crime branch Ghatkopar, as a case of being a SIMI member is registered against him. Whenever a terrorist act is committed in India, Amar Khan is called and grilled. Amar Khan was also aware of the fact that Ajmeri Shaikh had been a witness in 2003 Gateway of India bomb blast case. So, why did Ajmeri not approach the Ghatkopar crime branch? Had Ajmeri narrated the same rubbish story, that he saw a photo in a newspaper, I saw that person doing this, saying that, I am an eye-witness to the case, kindly record my statement and make me an important witness in this case too (like 2003 Gateway of India bomb blast case). It would have obviously rendered Ajmeri's role suspicious. So, at the behest of the ATS, a new story was weaved. That Ajmeri took the help of a police constable, Vijay Rajaram Ambekar, who lived near his house, to reach the ATS.

Amar Khan has accepted it before the court that he works for BJP and has been ward president for many years. He also accepted that in 2001, when SIMI was banned by the Government of India, he was arrested for allegedly being a SIMI member and he was imprisoned for two months in Thane Central Jail in this case. He accepted that he joined BJP after the SIMI case. He also confirmed that after 7/11, he was called by Park Site police station and Ghatkopar crime branch and was enquired about the same, but he did not utter a single word about his visit to Govandi and

witnessing bomb-making there. This proves that he did not see any bomb-making and he gave a false statement before the court at the behest of the ATS.

After bearing witness in 7/11 blasts case, Amar Khan happened to meet this author at Vikroli court. Along with Amar Khan this author was also accused in SIMI membership case. At that time, I asked Amar Khan why had he given the false statement against us in court that he saw us making bombs while he knew that nothing of this sort happened. An apologetic Amar Khan then confessed that he was under tremendous pressure from the ATS officers, especially DCP Naval Bajaj and Jay Jeet Singh. He said "I cannot go against the ATS." He revealed that after the 7/11 blasts, the ATS officers approached him regretting that they were unable to nab the actual culprits and asked him if he could give them some names, so that they could use them as scapegoats and falsely implicate them. Amar Khan refused saying: "No! I cannot provide you any such name." However, if they needed any other assistance in this case, he was always available in their service. Later, when the ATS, managed 13 scapegoats for false implication, Amar Khan was pressurised to testify falsely against them in court. Thus, his services were obtained. He was promised that if he made a false statement for the ATS against the 13 accused in 7/11 case, he would be acquitted from his SIMI membership case. This is how Amar Khan was finally acquitted in SIMI membership case.

There are many loopholes in Amar Khan's narrative. The accused had beforehand procured many details about Ajmeri through RTI. Ajmeri had already acted as an important witness in Gateway of India Bomb blast case. In the 7/11 case also he became an eye-witness and gave a false statement against Muhammad Ali. The police know very well how to use a Muslim against another Muslim for their medals and promotions.

Arms training in Pakistan

The ATS report says that Muhammad Faisal, Dr. Tanveer, Kamal Ansari, Muzzammil Shaikh, Suhail Shaikh and Zameer Ahmed had been to Pakistan and had received weapons training in a Lashkar camp under Commander Azam Cheema. As usual, the police have no evidence or witness to prove this accusation. The ATS managed to present a Pakistani national as witness before the court, but he

told the truth and did not testify against us. To hide their embarrassment, the public prosecutor declared the witness hostile.

An honest Pakistani witness: Tafheem Akmal Hashmi

A Pakistani national was arrested on 27 June 2006 in Kashmir by the Indian Army, under the charge of crossing the border illegally. His name was Tafheem Akmal Hashmi, age 30 years, resident of Peershahgaon, Gujarat, Pakistan. He was in Pakistan army. He then left the army and ran away from there.

According to Tafheem, he was arrested by the Indian army, and after the 7/11 blasts, he was interrogated and eventually forced to give a false statement before the media that it was a handywork of Lashkar-e-Taiba. Tafheem gave the statement accordingly. After this on 13 August 2006, Mumbai ATS arrested him in 7/11 case and after interrogation in police custody, he was sent in magistrate's custody to Arthur Road jail. On 12 September 2006, Tafheem sent a request to the magistrate that he wanted to give a statement before him regarding 7/11. Hurriedly, the very next day, he was produced before the Mazgaon court and was discharged from the 7/11 case. The court recorded his statement, the ATS officers recorded his testimony and he was sent to a jail in Jammu and Kashmir. The ATS had charged that Tafheem had seen the accused in 7/11, Muhammad Faisal, in a training camp in Pakistan. When the ATS locked up Tafheem in an adjacent cell to Dr. Tanveer's Muzzammil Shaikh's, and Zameer Ahmed's, they had allegedly confessed to him that they, too, had attended Lashkar's jihadi training camps in Pakistan.

In 2011, Tafheem Hashmi was summoned to make a statement on oath in MCOCA special court. He clearly told the court that he never saw any of the accused in Pakistan, nor did any of the accused confess to him that they had received jihadi training in Pakistan. When Tafheem refused to support the lies of the prosecution, they declared him a hostile witness. In reality he is an honest witness.

Tafheem narrated his story in detail. He informed the court that his interview before the electronic media was given under pressure of the Indian army. He said that he was arrested by the ATS in 7/11 case and then they pressurised him to write an application to the magistrate and forced him to give a false statement.

The question is: Why did the Indian army coerce Tafheem to make a false statement before the media? Since Tafheem was a member of Pakistan army, he was forced to give that interview to the media, following which ATS had to arrest him and make him an accused in the 7/11 case. During the investigation the ATS learnt that his interview to the media was a lie and he had no role in the 7/11 case. So, the ATS thought why not discharge him and obtain a statement on oath from him. Thus, the ATS enacted the drama of sending an application from Arthur Road jail. Tafheem was assured that he would be discharged from the 7/11 case. All he had to do was give a false statement against four of the accused. When Tafheem was discharged from this case on 13 October 2006 and his statement on oath was recorded, all the accused were already arrested.

Tafheem demonstrated the strength of his faith by refusing to make a false statement against innocents. Tafheem also informed the court that the accused Muhammad Muzammil Shaikh was terribly tortured during custody. Tafheem told the court that as he had spoken the truth, the police and ATS must be upset with him and nobody knew what they would do to him. He requested the court to make arrangements for his security, but the court refused his request saying: "We cannot do anything!" We do not know what the police department and the ATS must have done to Tafheem after this. Thus, despite all efforts, conspiracies and cooperation from the Indian army, the ATS failed to produce even a single witness to testify that the accused had got weapons training in Pakistan.

The recovery of marked maps

The police claimed in their report that international maps had been seized from five of the accused namely; 1. Muhammad Faisal, 2. Muzammil Shaikh, 3. Zameer Shaikh, 4. Suhail Shaikh, and 5. Dr. Tanveer. All these maps are marked in which a line is drawn from Mumbai to Tehran and another from Tehran to Muzaffarabad, Pakistan. The ATS claimed that all these maps were prepared by Muhammad Faisal and that he had given them to the other four accused who travelled to Pakistan via Iran and received weapons training there.

What is in these maps? Five maps of Asian continent on which lines were drawn from Mumbai to Tehran and Tehran to Pakistan with some notes in Urdu and English on them which say their agent would take them to their destination by the marked route (*See* map ahead). According to the police, Suhail Shaikh had been to Pakistan *via* Tehran in 2006. If Faisal had given this map to Suhail five years ago, then to keep it safe and hand it over to the police later is foolishness. Such terrible things are done in utmost secrecy and no written record is maintained, let alone securely preserving it for five years in one's home. Secondly, in this age of technology, GPS can easily be used, why would one prefer maps? Thirdly, all the maps, though seized after several years, they appear quite new. It is clear that the ATS bought these maps from some shop, drew some lines on them, tortured Muhammad Faisal and made him write some words in Urdu and declared that five maps had been seized from the residences of the accused.

The note on the maps proves that the ATS story about them is false. The specific sentence which says: *"hamara aadmi naqshe mein marking banae is manzil tak lejaaega"* (our man will take you to the destination marked on the map). The question is: Who is this man? What is his name? Where would he meet them? If he would meet them in Tehran, why would they need a map for further journey? They would just have to follow their guide. And if someone is flying from Mumbai to Tehran, why would he need a map for that?

The police were unable to confirm when and where these maps were prepared? And why did the accused preserve these maps for several years, even after the completion of their mission? As far as the statements from the *panch*-witnesses are concerned, it must be understood that the police and the ATS have hundreds of readymade witnesses waiting just a phone call away. They can appear from nowhere like a genie and can blindly sign any document the police ask them to. Bearing false witness before a court is their profession. If you compare the maps confiscated in these cases with the 26/11 maps and the notes found in Akshardham mandir attack case, you will easily start believing in the existence of police fiction.

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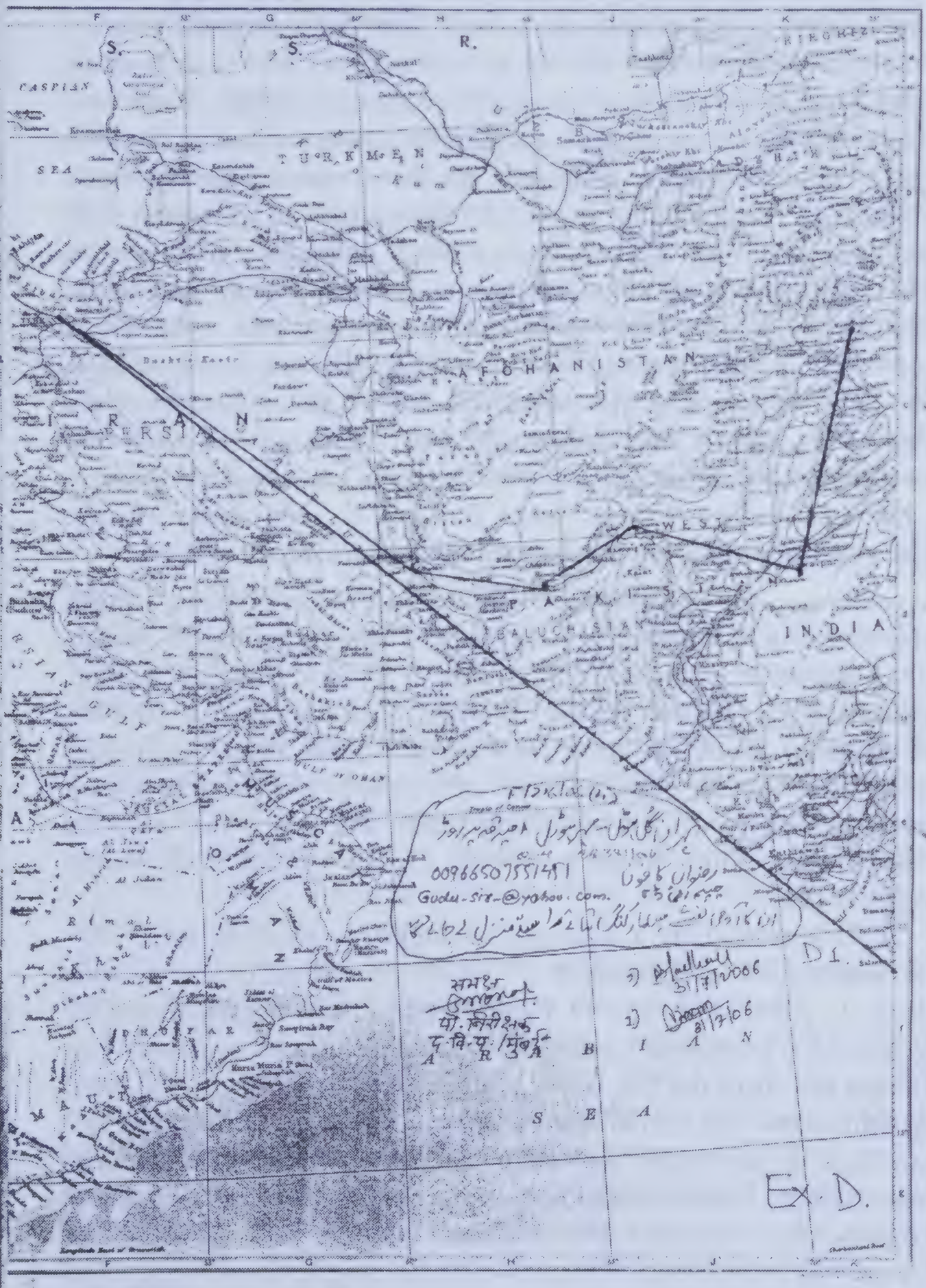
IRAN (PERSIA) AREA: 634,000 sq. miles. POPULATION: 20,149,000. CAPITAL: Tehran. CURRENCY: 100 dinars = 1 rial.
AFGHANISTAN AREA: 250,000 sq. miles. POP: 12,000,000. CAPITAL: Kabul. CURRENCY: 100 puls = 1 afghani.
SAUDI ARABIA AREA: 118,000 sq. miles. POPULATION: 6,000,000. CAPITALS: Mecca and Riyadh. CURRENCY: 22 qursh = 1 riyal.
The map shows the fold mountain belt widening from the Georgian Caucasus into the broad plateau of Persia, and narrowing at the heights of the Hindu Kush. The deep rift of the Jordan and the Dead Sea broadens into the Red Sea, and continues south as the Great Rift Valley of Africa.



Let us for the sake of argument accept that these maps are real and the accused actually did use them to reach Pakistan to receive weapons training, return home and execute the 7/11 blasts. The question that arises is, why even after the blasts they did not destroy the maps? The maps were preserved in their homes for 20 days. How is it possible that these dreaded terrorists were so simple-minded that they did not even know they had to destroy the maps that could be used as evidence against them? A criminal always plans how to destroy the evidence even before he commits the crime. What sort of criminals are these who are providing the police with readymade evidence? All these maps and the story built on them clearly state that this is a work of fiction by the police. The police prepared these maps and pretended they had seized them from the accused's residences. All witnesses who were said to be present while the *panchnama* of these evidence was prepared, the *panch*-witnesses, who appeared before the court to testify about the maps, were informers and regular stock witnesses working for the police department.

The allegation of bomb blasts on SIMI: No evidence

According to the police report, despite the ban on Students Islamic Movement of India (SIMI), Asif Khan, Muhammad Faisal Shaikh, Dr. Tanveer, Ehtesham Siddiqui, Suhail Shaikh, Zameer Ahmed, Sajid Ansari, Abdul-Wahid Shaikh, Muhammad Ali Shaikh, Muzzammil Shaikh, Rizwan Dawre and Raheel Shaikh continued being its members, indulged in its activities, published provocative literature and continued collecting funds. But this is just a verbal claim and the police do not have even a single witness or document to prove this.

SIMI was actually a student's organisation working since 1977 for personality development of youth according to the Islamic ideals. In 2001, after the 9/11 Twin Tower attack, the US, under the pretext of war against terrorism, banned numerous organisations. Taking cue from the US, BJP's Vajpayee government banned SIMI for two years. The entire Muslim community protested against this ban and in one voice declared that SIMI was not a terrorist organisation. Various religious scholars and politicians demanded strongly that the ban be revoked, but the BJP government,

followed by Congress government, continued extending the ban every two years.

The police accused SIMI of a role in 7/11 blasts case. Immediately after the allegations were made, on 28 July 2006, the ex-president of SIMI, Dr. Shahid Badr Falahi, made it clear in a press conference that SIMI had no direct or indirect role in these blasts.

Even to this day, the police have been unable to prove that the arrested accused were SIMI members before the ban and/ or that they continued being its members even after the ban or continued their activities. In 2001, after the ban on SIMI by the Central government, thousands of Muslim youths were arrested and accused of being SIMI members. Cases were filed against them. In those days Asif Khan, Dr. Tanveer, Ehtesham Siddiqui, Sajid Ansari and Abdul Wahid Shaikh also fell prey to the police. They were arrested and had to see the insides of prison for no crime. On the basis of this 2001 case, the police labelled them as SIMI members, maintained a record of them and kept calling them for enquiry quite often. When 7/11 blasts occurred, the police called these youth for enquiry and on the basis of the fake SIMI case, they slapped another case of bomb blasts on them.

The accused Sajid Ansari, Ehtesham Siddiqui, Dr. Tanveer, Asif Khan and Abdul Wahid Shaikh have already been acquitted in the SIMI case. The court has clearly stated that the allegation that the accused were SIMI members was not sustainable. The police failed to produce membership form of any of the accused before the court. They were also unable to present a list of members of SIMI that contained the names of accused. The police were also unable to produce before the court a person of any organisational position in SIMI (president, secretary *etc.*), who could confirm that a particular accused had been a SIMI member and he used to visit the regional or central office and work for the organisation.

Before the ban, SIMI was not an illegal organisation. They used to conduct public programmes and used to obtain police permission for the same. The ATS could not produce a single application letter or permission letter from any police station which could prove that any of the aforementioned accused had ever sought permission for any programme in 2001 as a representative of SIMI. When the police failed to prove the

accused's connection with SIMI. Thus, to say that the 7/11 blasts case is a handiwork of SIMI is nothing but plain lie.

The ATS planted SIMI literature

The police alleged that the arrested accused used to spread SIMI's provocative literature and create hate and enmity between two sections of society. The ATS staged the drama of seizing some Urdu books from the houses of the aforementioned accused and labelled them as "provocative literature". One would be amazed to know that all "books" seized from the accused's residences were photocopies. The original copy of a monthly magazine was actually confiscated by Khandwa police station (Madhya Pradesh) in a SIMI case on 14 April 2006. Some of the accused filed RTI queries and obtained the original attested copy from Khandwa local court, which mentioned the confiscated magazine and the statements of the accused. They submitted this document to the MCOCA court and informed that the ATS had actually obtained this magazine from Khandwa police and had made colour photocopy of the same only to pretend that they had seized them from the residences of the accused.

In November 2013, Jamia Teachers' Solidarity Association published a report, "Guilt by Association". The report mentions how the ATS wrote letters to Khandwa police and requested them that accused in 7/11, Ehtesham Siddiqui, was also wanted in Khandwa 2006 case, so reports and documents concerned with him be sent to ATS Mumbai. But, on the contrary, Ehtesham Siddiqui was not wanted in Khandwa case at all. The ATS intentionally wrote the misleading letter to Khandwa police so that they would connect the arrested 7/11 blasts accused with the Khandwa case. The idea was to demonise them in the court's perception and frustrate their efforts to seek bail. In this joint conspiracy by the ATS Mumbai and Khandwa police, while the latter benefitted dearly, they in exchange sent them the colour photocopy of the seized magazine of which the ATS made many copies and planted them on the accused.

The report by Jamia Teachers' Solidarity Association exposes layer by layer of deception and reveals how the magazine seized publicly from Aasia Khan in Khandwa case was photocopied and recycled as evidence in four more cases across the country. The

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magazine seized in Khandwa case has the name Aasia, written on its title page. In all cases where the magazine is produced as evidence, the same name, Aasia, is found written on the same page. A monthly magazine, *Tehreek-e-Millat*[a], was planted by the police in all four cases and shown as seized from the accused. Here are those four cases:

1. In 2006, copies of this magazine were seized from the residences of the accused of 7/11, namely Suhail Shaikh, Muzzammil Shaikh, Faisal Shaikh, Zameer Ahmed and Dr. Tanveer.
2. On 30 July 2006, Mumbai ATS arrested the SIMI member Danish Riyaz Shaukat Ali Shaikh from Mumbai and claimed to have seized a copy of the same magazine.
3. On 14 August 2006, Muhammad Najeeb Abdur Rasheed Baqqali was arrested and the claim was made that a copy of the same magazine was seized from him.
4. The main accused in Malegaon blasts 2006 case, Noorul-Huda Shamsuddin, was arrested, and yet again a copy of the same magazine with the same name, Aasia on it was seized by the ATS.

Note that the Malegaon blasts case was transferred from ATS to CBI and from CBI to NIA. The NIA differed with and disapproved the ATS and CBI findings and investigation reports. The NIA finally produced a completely contrary report before the court and did not object to the court releasing Noorul-Huda on bail. Noor was finally released on bail, though two out of nine are still in jail as they are implicated in the 7/11 blasts case also.

The police obtain a copy of a magazine, make colour photocopies of the same, send them to various police stations in the different parts of the country. They also use these photocopies to easily arrest any person accusing him of being a SIMI member. On the basis of this forgery, they declare that they have seized provocative SIMI literature from the accused. Our judiciary believes these stories blindly and in the following months and years, with the help of false *panch*-witnesses, the accused is convicted of printing, spreading the provocative literature, creating enmity between two sections of society and disturbing communal

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[a] Urdu, meaning "Movement of the Community".

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harmony. Thus, they are subjected to torture and imprisonment of several years, and of whole life in some instances.

The police also alleged that the accused collected funds for terrorist activities, but they could not produce any evidence nor a witness. Nor could they furnish details of any accused's bank account that could prove the alleged transactions of lakhs or crores of rupees. On the contrary, the accused are often so indigent that they cannot hire a proper advocate to defend them. At last in 2007, Jamiat Ulama-e-Hind hired an advocate on their behalf to defend them.

The police produced two witnesses before the court, with the help of whom they wanted to prove that amongst the arrested accused some were members of SIMI and despite a ban they continued working for the organisation. The two witnesses are: Mehmood Azeem Qureshi and Noman Ahmad Sultan Ahmad.

Mehmood Azeem Qureshi

Mehmood Azeem Qureshi, aged 37, a resident of Mumbra, Mumbai is related to two of the accused, Sajid Ansari and this author. The ATS claimed that Mehmood Azeem Qureshi was a member of SIMI and continued to work for the organisation even to that day. They also accused that Mehmood was well-acquainted with all arrested accused as they all were SIMI members. They recorded Mehmood's statement and made this claim before the magistrate under Section 165 to make sure that he did not dare contradict the police. But when Mehmood appeared before the special MCOCA court in 2011 to make his statement as a witness, he fearlessly told the court the whole truth. Consequently, the prosecution declared the witness hostile, saying he was not cooperating with the police.

Mehmood Azeem Qureshi recognised only two out of all the accused, *i.e.*, Sajid Ansari and this author as his relatives and stated that he knew us since 2003 since our marriages. He also said that he did not recognise rest of the accused and clearly asserted that he did not know any SIMI member. He complained that ever since 7/11 blasts, the police department had been harassing him in the name of enquiry. He was called to various police stations and ATS offices several times. He was made to wait at the ATS office for the whole day. He was tortured. Even his father was called to the ATS

office and harassed. He narrated that he had been to an educational programme in Surat, Gujarat in 2001. There he was accused of being a SIMI member and was arrested along with hundreds of others. On the basis of this case the police treated him as a SIMI member and whenever there was a terrorist attack in the country, the police harassed him in the name of enquiry.

Mehmood narrated to the court that ever since his relatives were arrested in the 7/11 case, the ATS and the police had been constantly pressurising him to give statements of witness against the accused threatening that if he did not oblige, they would implicate him too in the case. He confessed that due to threats from the ATS he was forced to give false statements before the magistrate. The ATS back then had given him a statement written on a paper, asked him to memorise and repeat the same before the magistrate. He thus had recited the same statement. From 7/11 blasts to his witness statement before the MCOCA court, he said that he had been repeatedly called on phone and threatened to remember his statement word by word and keep repeating the same or be ready to face grievous consequences.

Mehmood Qureshi submitted his mobile phone in the court on which ATS had called him and threatened repeatedly. He also mentioned the numbers from which the calls were made to his number (mobile number 09870332523 and landline number 23726688). This author sought information through RTI which proved that the aforementioned landline number was registered to the Kalachowki ATS office and that the mobile number did indeed belong to an ATS officer, Rajesh Kumare.

Mehmood Qureshi also submitted in the court the paper handed to him by the ATS which he was asked to "memorise and repeat" before the magistrate. The courage Mehmood showed in the court to expose the ATS won appreciation from the advocates as well as the accused. Mehmood indeed is a brave man. He told the truth despite pressure from the ATS.

Besides being brave, Mehmood also proved to be a smart man. Had he not refused to make a false statement before the magistrate according to the ATS instructions, they would have easily implicated him, made him accused number 14 in 7/11 case and nobody could have done anything about it. After his honest statement before the court, the police department continues to harass Mehmood even to this day.

The moral of Mehmood's story is: Despite pressure and threats from police officers, a person must say the truth in trial court. No matter what happens after that. If a person gives in to police pressure and makes a false statement in a trial court, then it would get an innocent convicted to life time imprisonment or to hang till death. It will be impossible for him to retract his statement after that. Following Mehmood's statement, there was no evidence, nor witness, left against this author. Ultimately, the court had no choice but to set this author free.

Shaikh Noman Ahmad Sultan Ahmad

Noman Ahmad Sultan Ahmad, 38 years, resides near JJ Hospital (Nagpada, Mumbai Central). He is a cousin of two of the accused. He recognised his two cousins in the court, but failed to recognise anyone else. The prosecution declared him hostile. He told the court how he was called for enquiry after 7/11 blasts and how the ATS recorded his statement, but later added false and fictitious things which he had never uttered. Despite his objection the ATS did not delete the part containing falsehoods attributed to him.

Noman also told the court that the ATS handed him a paper containing the statement they wanted him to make before he left for the court in a taxi. He was asked to memorise it and record it in the form of statement on oath before the magistrate. He said he gave the same statement under pressure and fear. Noman said that it was not true that the accused continued to work secretly for SIMI despite ban. He denied a statement attributed to him, which said that after 7/11, he read about the arrests of the accused and came to the police and confirmed that the arrested men used to work for SIMI and suspected that they may have caused these blasts.

Noman recalled he was extremely frightened due to ATS pressure and he did not complain to any Muslim leader, social activist or the Prime Minister. But he had kept his statement on oath prepared before hand. He narrated that in 2001, he had attended an educational programme organised by All India Muslim Education Board in Surat, Gujarat, and the police had arrested him accusing him of being a SIMI member.

He said how after 7/11 blasts, in the name of enquiry, he was called by various police stations and crime branch units, illegally

detained and horribly tortured. He was forced to become a false witness or else he, too, would be implicated and arrested in the 7/11 case and some other SIMI cases.

Noman told the court that 10-15 days prior to the day he was supposed to appear for statement in the court, he started receiving calls from the ATS threatening and pressurising him to make a false statement as dictated by them. Even to this day, Noman lives in fear of the police and ATS. He is ready to submit to the court the mobile numbers of the ATS officers and the landline number of their office. He submitted a photocopy of the statement of oath he had got prepared in 2006, but he was scared to submit the original. Back then he had requested the court to keep the details of his statement of oath secret, as he was scared of the reactions of the ATS. He said he had prepared these affidavits for his protection and he was scared for his life even to this day.

Affidavits

Noman had submitted three affidavits before the court during his statements. These were drafted in 2006 and a study of these affidavits reveals the suffering Noman was made to go through during that period. These affidavits had been attested by a notary.

Noman has written in these affidavits how after 7/11 he was called to police stations and enquired about SIMI, its members and their role in these blasts. He was illegally detained and badly tortured for several days. He kept repeating that he was innocent and he did not know anything about the blasts and SIMI. Whatever details the police asked him to furnish, he gave them: his bank account, his phone numbers, details of his relatives and friends *etc.* He would be stripped naked and some chemical used to put in his anus, because of which he felt as if his body was set on fire. He would start writhing in pain on the floor, screaming uncontrollably. When the torture was too much and he was unable to bear the pain, he asked the policemen: "Bring a blank paper... I will sign on it and you write whatever you want, but please stop this torture."

He was produced before Meeran Borwankar (IPS, now retired was Chief of Maharashtra Prisons during 2012-15) in a tortured condition. She assured him saying: "I know you are innocent, and you shall be released soon." Despite her assurance his illegal

detention continued. IB officials kept questioning him about Lashkar-e-Taiba and Pakistan. He kept reiterating that he neither knew them nor had any contact with them. They continued threatening and abusing him. Sometimes they would barge in shouting: "Get ready to die, we are going to kill you in an encounter." They also threatened to implicate his family in false cases. His family members were also detained illegally and tortured in the police station. An IB officer offered him a deal, saying: "Name any one person and say that he is involved in this case and we shall set you free." But, when Noman refused their offer, they got frustrated and tortured him even more.

He was later handed over to the ATS. The story of horror and pain continued there, too. ATS officers also threatened him with false implication.

He was released after 20-22 days on a condition that he would daily report to the police station. He complied and started reporting to the local police station every day for two months. He lost 10 kilos of weight due to torture and developed various medical problems. He was again detained illegally while he was suffering from typhoid and jaundice. The ATS constantly pressurised him to either agree to be a false witness or be prepared to be arrested and implicated in fake cases. Due to these pressure tactics and threats, Noman unwillingly agreed to bear false witness before the court, but the ATS did not tell him what exactly he had to say. Noman was released from their illegal custody only after he agreed to be a false witness.

When he was preparing the affidavits with the help of his advocate, ATS officer Dhamange called him on his mobile phone and asked him to come to his office. When Noman went there the next day, Dhamange said: "Let us first go to the court, get a date and then I shall explain to you your job exactly." Then he took Noman to the Qila court (Fort, Mumbai) and he was produced before a magistrate. Noman was scared. The magistrate sent Noman back warning him if ever reverted from his statement, action would be taken against him. Two days later, the ATS again took him to the court in a taxi. On the way, they handed him a paper with a statement written on it. They asked him to memorise the statement and repeat it before the magistrate. Noman did not know anything about the case, yet he was constrained to give false statements due to ATS pressure. ATS officer Dhamange told him:

"You have to decide whose side you want to be; the government's side or the terrorist's side." If you do not cooperate with the government, you will be implicated in some false case and you will rot in jail for years."

Noman writes: The ATS were constantly present in the court premises. He did not want a label of "terrorist" on his name nor did he want to languish in jail for years. To avoid all these, he repeated the memorised false statement before the magistrate and signed on it. His statement before the magistrate was false, fictitious and made under pressure. To bring this truth on record, affidvaits were prepared.

It is clear from these submitted affidavits that Noman is actually a victim of police atrocities.

There are a lot of similarities in what happened with the two witnesses, Mehmood Qureshi and Noman Shaikh. Both were accused of being members of SIMI by police in a bogus case in Gujarat in 2001, and for the same reason the police used to harass them in the name of SIMI. Both were relatives of accused persons in the 7/11 case. Both were called to police stations in the name of enquiry, detained illegally, tortured and forced to bear false witness against the accused persons. Both have submitted their affidavits in court complaining about police torture and pressure, furnishing the mobile numbers from which they received threat calls from the ATS and police officers. Both were produced before a magistrate and their statements were recorded under Section 164, so that they did not revert from their statements later. When they refused to support the falsehood and cooperate with the police and ATS in this wrongdoing, both were declared hostile. Both the victims are often harassed even to this day by the ATS and the police.

The legal status of affidavits

Noman did not formally submit the original copies of his affidavits before the court, but their photocopies did reach the magistrate's desk. Though not original, these photocopies carry their significance. Usually, the police use pressure tactics and torture techniques to force a person to become a false witness against an innocent. They record their statements before a magistrate under Section 164. These wretched fellows usually don't even know the fact that they are made a witness in a case. A paper is handed over

to them and they are dictated to memorise and repeat the same in court. On the basis of these papers, innocents are made to rot in prison for years. The judiciary refuses to grant bail on the basis of these false statements. A person forced to bear false witness does everything the police ask him to do under fear and pressure, which ultimately leads to imprisonment of the accused for years, or even death sentence. The witness either regrets his false statement or continues to play the role of false witness in many other cases under police pressure, or for personal gains. This is the usual pattern of making a reserved witness.

But in both Mehmood's and Noman's cases, a significant difference can be noted clearly. The police and ATS did harass them after they retracted their statements, but did not commit the mistake of making them false witnesses in any other case. They saved themselves from becoming puppets of tyrants. The lesson learnt is, "Whoever is forced to bear false witness against an innocent under police pressure, he must show courage and refuse to do so. Neither should he be a false witness nor sign on any paper. If he cannot gather the courage to go against the police, he better leave the town for a few days. The police always have reserved witnesses available to them easily. They manage them somehow and they would not bother to go on hunting for you. If you cannot gather courage to work on even the second option, you can just write down whatever is done to you in any language you may know (if you don't know how to write, you can at least get it written by someone) and with the help of an advocate, prepare an affidavit, get it attested by a notary and keep it safe with yourself. If you are willing enough to take some action and change the course of events, then forward these affidavits to the concerned court, political leaders, social and human right activists. You have to find out the particular court and bench where this particular case is heard in which you are forced to give a false statement. The police always find out when you forward your affidavit. So, you have to be ready to face the consequences. If you cannot do even this, then at least prepare an affidavit and keep it safe with yourself. You can just let the initial stages pass by. Later, when the hearing of the case begins finally, you can produce the original copies of the affidavits and retract your false statement given under police pressure.

These affidavits are evidence of the fact that you are innocent and you did not know anything about the case or the particular person you made false statement against. These affidavits are not just for your security alone but they also prove innocence of the accused languishing in jails for years because of police conspiracy. Legally, they are considered strong evidence and are deemed acceptable in a court. If the situation demands, the advocate who drafted your affidavit and the notary who authenticated it can appear before the court and testify in your favour that on such and such date and time you had been to them to prepare this affidavit and other such details.

There are four stages in a legal procedure when your statements are recorded repeatedly. At first your statement is recorded by police officers. In the second stage your statement is produced as an affidavit. In the third your statement is recorded before a magistrate under Section 164. In the fourth, your statement on oath is recorded before trial court. When the trial court notices that your statement according to the submitted affidavit is contradicting your previous statements, your status as a witness becomes suspicious and the benefit of this suspicion always goes in favour of the accused. You must be apprehensive that on changing statements frequently the court or the police might take action against you and punish you. No! This is not that easy. Because you will also mention before the court how you had earlier given false statements under police pressure and, finally, you have submitted the latest affidavits without knowledge of police officers. The judiciary considers this scenario, and that is why they would not punish you for changing your statements or testifying falsely. The judiciary would know that the earlier statements were given under police pressure and the final statement is given out of your own free will, under no pressure. This is why, even in such a sensitive case as 7/11, the public prosecutor did not take legal action against Mehmood and Noman for giving false statements.

The right thing to do is to tell the truth fearlessly and defend innocent accused. If, God forbid, an innocent is sentenced to life imprisonment or to hanged till death, then our "false statement" will always haunt us for the rest of our life and it would only reap us disgrace in this world and total failure in the hereafter.

Statement before the police

You will be amazed to know that according to the law, if a person is summoned by the police for questioning on any charge or is asked to produce some document, then they have to issue summons in writing and mention in it that he has been summoned regarding such and such a crime for enquiry. So, he is expected to visit the particular police station on such and such a date. But all these laws are confined only to the book. The police do not act according to the law. If they go by the law, then they will be caught in it because the police are not well-versed in investigation. They are only used to resorting to illegal methods. For example, let's say the police fail to complete an enquiry in a single sitting and they have to call someone repeatedly to complete it. But to call him repeatedly they would have to send him summons repeatedly, which would act as evidence against the police and raise questions as to why was he summoned so many times. They would have to inform the court about the accused's statements they recorded each time they summoned him and justify multiple summonses. To avoid all this, the police never send summons to anyone even for a single time.

Legally speaking, you are not held guilty if you refuse to appear at the police station when called without summons. You have all the rights to say, send me the summons first and then I shall answer all your questions. The summons are evidence of the fact that you were called for questioning in such and such a case and that your statement was recorded regarding the matter. If the police harass you by repeatedly calling without summons, you can complain about it to a magistrate.

The police usually threaten you and extract information about your family, friends, property and life. They later use the information to implicate you in one or the other case. For example, let's say, you stay in a rented house in some area. If there is a case that has a rented house, police will frame you in it. Or they will fabricate a story involving your rented house to implicate you in some bomb blast case and declare you a terrorist. In legal terminology it is known as "statement under section 161."[a]

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[a] Under Section 161 of Cr.P.C. a police officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case. Supreme Court has reiterated that a statement recorded under Section 161 of the Code of Criminal Procedure is inadmissible in evidence and cannot be relied upon or

Statement before the magistrate

The law has given the police many powers. One amongst them is that they can record the statement of any witness before a magistrate. If they feel they need to re-record the statement of an important witness before the magistrate, they go ahead and do that. The intent behind doing so is that once the statement is recorded before the magistrate, it acts as a strong evidence against the accused and causes the accused difficulties in procuring bail. The second reason for doing so is that if the witness wishes to revert from his statement, he cannot do it easily. The police threaten him that if he reverts it may be used as evidence against him. He may also be punished for changing statement and bearing false witness. Despite this, if the witness reverts from his statement in the trial court, it would not cause the police much loss, nor would it benefit the accused a great deal. The police submit the statement recorded from the witness under IPC (Indian Penal Code) Section 164 and succeed to a great extent in getting the accused punished.

Usually, when the police force someone to bear false witness in a case, they readily get the statement recorded before magistrate so that one does not revert from it in the trial court. In this case, the same was done with Mehmood Quraishi and Noman Shaikh.

Let us also understand how the police force someone to bear false witness in a case. As mentioned earlier, usually after a terrorist attack or a blast if the police call you to police station on the basis of information available at that time, or sometimes on the basis of no information at all, then know that it is a preparation to either implicate you as an accused or force you to be a fake witness in this case. When the police make a resolve to make you a witness in a particular case and record your statement, they resort to all tactics like threats deception and allurement. One day, all of a sudden, they will deceptively produce you before a magistrate. Before producing you in front of a magistrate, they will force you to mug up a readymade statement drafted to suit their ends. They will ask you to repeat it as it is before the magistrate. They will give you false assurances that these are just formalities, "You don't have to say anything else. Just repeat the statement we have given

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used to convict the accused. A statement recorded under Section 161 Cr.P.C. can be used only to prove the contradictions and/or omissions.

you to memorise and sign on the paper when asked to. Or else, you shall be arrested as an accused in this case." Thus, you are forced to bear false witness before the magistrate. Once your statement is recorded, the police immediately send it to the trial court, which makes bail for the accused next to impossible. Thus, on the basis of a false statement attained from you forcibly, innocents are implicated and made to languish in prison for years.

After making a false statement when you return home, you start feeling guilty and curse yourself for doing what you should not have done. Your friends and family console you saying, "Do not worry... You did not do this willingly... You were forced to do this... You can always revert from your statement in trial court." But, by then it would be too late to repair the damage because your false statement has already stood as a strong evidence against innocent persons.

In all such false cases, police always make sure to record the witness (false) statement before the magistrate. Because they know the accused is innocent and tomorrow when the witness is called to appear before the trial court, he would speak the truth and would inform the court that they had forced him to do so. As a result, the case would fall on its face, the accused would be declared innocent and released. This would expose the police and cause them a great deal of embarrassment. To avoid such situations the police take precautionary steps and forcibly procure false statement from the witness before the magistrate.

Whenever the police take you to court by threat or deception without arresting you, then be sure that you are brought to bear false witness before the court. In such moments you must gather courage and let the police know that you would not bear false witness against anyone before the magistrate. If the police tries to pressurise you, you must immediately turn to religious scholars, leaders, judiciary, high court, police commissioner, human rights organisations, Minority Commissions *etc*. Inform them through fax or email. If you cannot manage to gather this much courage, then at least when you appear before the magistrate or enter his chambers, you can request him to ask all policemen present in the court to leave and then you can inform the magistrate that you do not wish to bear witness against anyone in any matter. You can also bear the statement before the magistrate in a distorted manner, *i.e*., not repeating the exact statement, reciting it in a

hotchpotch manner with lots of mistakes like changed date, name, place, or distorted sequence of events, or narrated in a manner that gives a clear impression that you know nothing of this, but you are simply coached by a third person to say so. Or, you can also narrate that you overheard two men talking about this. Such sorts of statements stand completely worthless in the sight of a magistrate. The police immediately realise that you have changed the statement and you can apologise to them saying, "I forgot the statement. The words got mixed up. I got confused. I panicked and lost words, blah blah blah."

At the end of your statement, you can also make a signature different from your original one so that you can later say before the trial court, "This signature is not mine." I don't know whose signatures these are?" You can also scribble below the signature in Urdu *ba-dil-e na-khwasta* (under coercion), *bila-raza* (unwillingly), *bila-khwahish* (without wish), *etc.*, so that you can later point out to the trial court that you had given the statement under pressure and had left a note below your signature to suggest the same.

It is a tragedy of our nation that in the illegal, immoral actions of the police even magistrates are hand in glove with them. My statement is not borne out of fanciful imagination. It is neither based on assumptions nor paranoia. We shall dedicate a complete chapter in this book and discuss this subject with evidence and proofs. It is enough at this moment to know that even the magistrates are involved with the police department (sparing a few exceptions). This is why even before the magistrate people hesitate to gather courage and complain against the police. They ultimately sign the false statements unwillingly. In such a situation one should immediately do what Noman Shaikh did. Noman gave the statement before the magistrate under pressure and immediately prepared an affidavit and kept it safe with himself.

According to law, whenever the police produce a witness before the court, the magistrate is supposed to send everyone out of the court hall and ask the witness whether he was bearing witness on his own or was pressurised to do so? If the magistrate senses even the slightest hint of fear or pressure on the witness, then he ought to send him back and refuse to record his statement. But, practically it does not happen. They record the statement of every Tom, Dick and Harry produced by the police. According to the

legal terminology the statement made by the witness before magistrate is called statement under 164.

All Pakistani accused are absconding!

The ATS claims that Pakistani nationals had taken part in the blasts. According to the ATS, two are dead: One claimed to have been killed in Antop Hill encounter was named Abu Umaid. The second one, named Saleem, is said to have died during the blast.

You will be amazed to know that even the ATS is unable to provide complete name, address, age and appearance of Saleem, the Pakistani. The chargesheet provides only incomplete name and mentions that he was a Pakistani national. The police do not have a complete sketch of even a single Pakistani accused. They do not have their addresses or mobile numbers. According to the police, ten Pakistani nationals entered India easily, stayed here for months, executed seven powerful explosions and fled the country safely. They have been unable to provide the CCTV footage of these Pakistani nationals entering or exiting the blasts sites. Nor did the police recover any photo, sketch, footage, phone number or mobile number of the Pakistani nationals from any of the arrested accused. Yet, the police claim that the accused were in contact with Pakistani nationals, especially one Azam Cheema. The ATS has arrested all ten Indian accused, but even after ten years they have failed to arrest a single Pakistani accused. [This book was written in 2016. Thus, the author's words "even after ten years".]

The conspiracy meeting

The police further allege that the accused held various conspiracy meetings at Sajid Ansari's residence at Mira Road and Faisal Shaikh's Bandra residence. In these meetings, the conspiracy to cause bomb blasts was hatched. The ATS could not produce even a single witness, nor evidence, to prove that such a conspiracy meet was held at Sajid Ansari's residence at Mira Road. However, a fake witness did appear in the court to speak about a conspiracy meeting at Faisal Shaikh's residence.

Fake witness: Muhammad Alam Ghulam Sabir Qureshi

Muhammad Alam Ghulam Sabir Qureshi, aged 36, from Malad, Mumbai, is a cloth merchant and a lecherous character. According to his statement he claimed to be friends with Naveed Khan and Faisal Shaikh. He claimed that Naveed Khan, too, had a habit of visiting dance bars. This led to friendship between them and they used to visit dance bars together. Alam often used to visit Faisal's home. In February 2006, when he visited Faisal's home, he saw 5-6 people sitting there and discussing something important. All those 5-6 people were arrested accused in this case, namely, Asif Khan, Naveed Khan, Dr. Tanveer, Ehtesham Siddiqui, Zameer Ahmed and Suhail Shaikh. Further, when he visited Faisal's house in March 2006, he saw four Pakistani guests there. In July, when the blasts occurred, he was with his girlfriend. After some days he came to know that Naveed Khan and Faisal Shaikh had been arrested in the blast case. Later, the police called Alam and recorded his statement.

Alam gave a false statement in the court according to the police's fabricated story and recognised the accused as culprits. During 2006, the police was worried that Alam might revert from his false statement. So, they took him to the court and recorded his statement before a magistrate under Section 164, as they did with Mehmood Quraishi and Noman Shaikh. Alam gave the statement desired by the police in the court. Unlike in Mehmood Quraishi and Noman Shaikh's case, they did not submit his statement to the court. The question is why do the police record a person's statement under Section 164? When they do not wish to submit it as evidence in court? What on earth remains the purpose of recording a statement? The answer is simple: to keep the witness under pressure. They record the statements under Section 164 of only those witnesses who they fear might revert in future. This ensures that they can be punished for changing their statement. Thus, a witness is constantly forced to repeat his false statement on every occasion.

Alam informed the court that the ATS showed him a photograph of a person killed in the blasts. Alam saw it and told the ATS that he had seen this person at Faisal Shaikh's house and his name was Abu Umaid. He told the court that the police later informed him that the person in the photograph was killed in train

blasts. Alam also told the court that he saw the whole body of the deceased was intact and unclothed, except the private parts. This claim alone of the fake witness Alam is enough to prove that his statement was false, because the ATS story says that the person killed in the blasts was not Abu Umaid, but Saleem and, contrary to Alam's claim, only the upper half of the body was recovered, not the whole of it. Further, the ATS says that his face was totally burnt and had become unrecognisable. Then how did Alam or the ATS recognise him? Strangely, we notice extreme contradiction between the ATS story and their own witness.

Let us delve a little deeper into the matter to know who is Alam Qureshi and why did he bear false witness against the accused? Alam Qureshi was friends with arrested accused Naveed Khan. He accepted before the court that he was a man of wine and woman. He would visit dance bars, indulge in liquor, maintain illegal physical relations with girls from dance bars, abscond from home often at night and would to abstain from offering *namaz* (prayers). Such a person's testimony is not deemed acceptable from Islamic perspective. However, a person with a thousand vices is credible and acceptable in our present legal system.

Amazingly, Alam Qureshi was not present in India during February and March 2006. He was on a tour of China for two months. Alam confessed it before Naveed Khan, who informed the court that Alam Qureshi had called him and said that he was going to China for two months. He also said that Alam's brother, Parvez Alam Qureshi, stayed in Sinkiang and he had sent a travel visa of three months for him. Alam had told Naveed that he was going there for business purposes. During October 2006, when Naveed Khan was arrested by the ATS and he was sitting at the ATS office, Kalachowki, incidentally Alam came there and met him. After exchanging greetings, Naveed asked Alam how come he was there? Alam told him that the ATS had called him to their office along with his passport. Naveed asked Alam whether he had been on his trip to China? Alam then took out his Nokia 7610 cell phone and showed him the video clips he had recorded at a beach in Shanghai. He also showed his passport to Naveed which had entry and exit stamps of China. While this conversation was underway, suddenly ATS officer Dinesh Kadam emerged and shouted at Alam: "Alam what the hell are you doing?" He slapped Alam on his face,

snatched his passport and mobile and ordered a constable to take him to another room.

When the accused informed their advocate that the specific time Alam was speaking about, *i.e.*, February and March 2006, he was not in India. The defence advocates tried contacting the passport office and Mumbai airport to confirm it. Initially, airport officials agreed that the information regarding Alam's travel details was available and they would hand it over to them the next day. But the next day the airport officials refused to provide any information. Probably, they were pressurised by the ATS not to divulge any information.

On the other hand, the accused used RTI to gather details of Alam's passport. Alam had mentioned in his statement that he had procured passport from Bareilly, UP, not Mumbai. But, according to the information gathered through RTI, Alam had not got any passport from Bareilly. Alam told the court that his passport was lost. Hence, he could not produce it before the court. He said he never went out of the country. We believe ATS snatched his passport and hid it away.

The defence advocates are of the opinion that since he had been to China during February and March 2006, his statement that he witnessed a conspiracy meeting at Naveed Khan's residence was a lie.

It is clear how the ATS has forced a person to bear false witness using fear and pressure tactics. He must have told the ATS, "Saheb! You are asking me to testify about witnessing conspiracy meetings and seeing Pakistani nationals in February and March 2006. But the truth is I was not at all present in India to witness anything. In fact, I was in China." The ATS must have asked, "What is the proof?" Alam must have said that his passport was the evidence.

According to the police, Faisal Shaikh, Zameer Shaikh and Suhail Shaikh, on the orders of Azam Cheema, had performed a recce of various places in Mumbai to choose appropriate targets such as World Trade Centre, Mumbai Stock Exchange, Mahalakshmi Mandir, Siddhi Vinayak Mandir, local trains etc. Ultimately, they chose local trains as the target. The police do not have any evidence to prove this. They fail to mention even the day and date on which this survey was conducted.

To sensationalise the story the ATS pretended to have seized maps of Mumbai from residences of the accused. These were

nothing but tourist maps, with markings on specific locations using a red marker. The question is, the accused being residents of Mumbai, why would they need maps at all? Why did they mark specific locations on maps before or after the recce? And why did they keep the maps at their homes after the blasts? So that the police may raid their homes, easily find the maps and use them as evidence against them? The fact is: these maps are easily available in the market. The police bought them from the market, marked the locations to suit their plans with a red marker and pretended as if they had seized these from the residences of the accused persons. Not even a dumb man would commit the blunder of using such maps for such a dastardly crime. Even if he used them, he would not preserve them at his home after the blasts. The so-called seizure of maps from the accused exposes the lies of the police.

According to the police, the bombs were transferred from Muhammad Ali's Govandi residence to Faisal Shaikh's Bandra residence on 10 July 2006. It is reasonable to believe that no sane man would commit such a crime openly. Why would a person unnecessarily transfer such dangerous bombs from one place to another? The police reported that the bombs were prepared for three days at Muhammad Ali's residence. What calamity would have befallen had the bombs been kept there for one more day? What wisdom forced the accused to move the bombs from Govandi to Bandra? Moreover, the most important fact is that the police do not have any evidence or witness to substantiate their claim. To this day, the ATS has been unable to identify the taxi number and driver of the taxi in which they claim the bombs were transferred from Govandi to Bandra. The police did not bother to search for the driver. And why would they take the trouble to search for a person they very well know does not exist and when they know the incident did not happen at all.

Planting fake witnesses everywhere is a complicated job and it can affect a case badly. That is why the ATS did not produce a taxi driver as fake witness. The absence of witnesses would not harm the case much since the blasts were caused on 11 July, not on 10 July. The ATS managed to produce two taxi drivers as witness to testify regarding 11 July.

According to the police, on 11 July, in the afternoon the accused travelled from Bandra to Churchgate with seven bombs. This was done by splitting into small groups and travelling in different taxis.

After a lot of painstaking effort, at last the ATS succeeded in identifying the taxi drivers and recorded their statements, they claim. They were called in for an identification parade, wherein they recognised the accused and later they also gave statements as witnesses in the court.

Let us see who these taxi drivers are and why did they bear false witness against the innocent accused: (1) 43-year old Santosh, Room No. 7, Kedar Singh Chawl, JB Nagar, Pipeline, Mumbai 400059. He claims to be a taxi driver. Whatever the story ATS tutored him he narrated in the court.

According to the story: On 3 November 2006, he was in his taxi at Bandra Hill Road. The police were enquiring at the taxi stand whether anyone had dropped someone from Bandra to Churchgate on 11 July 2006? The police asked the same question to Santosh, too. He confirmed that he had dropped two men at Churchgate. Then, on the order of higher officials, the police took him to Bhoiwada ATS office with his taxi. When he reached there, the ATS questioned him thoroughly and recorded his statement.

Santosh narrated that on 11 July 2006, in the afternoon he was with his taxi at Perry Cross Road, Bandra. Two young men approached him. One was carrying a heavy black bag and an umbrella in his hand. They sat in his taxi and asked to be driven to Churchgate. Santosh dropped them at Churchgate. The taxi fare was Rs 180. They handed him a Rs 500 note. "Neither of us had any change. They were in a hurry, so they handed me the Rs 500 note and rushed towards the station. One of them appeared in his early 30s, normally built, and the other was aged around 23-25, lean in appearance. One spoke in normal Mumbai accent while the other had a slight Punjabi accent." He told the court that he would recognise them easily if he saw them again.

The ATS, after recording his statement, let him go with the instruction that he would be called whenever necessary. On 7 November 2006, the ATS took him to the Arthur Road Jail for identification parade, where he recognised accused Asif Khan as one of the two, he had dropped at Churchgate on 11 July 2006, the one who was carrying a heavy black bag and an umbrella in his hand.

During January 2011, Santosh appeared before the MCOCA Special Court and recorded his statement word by word as desired by the ATS and also recognised Asif Khan.

Santosh claimed in the court that he was a taxi driver, that he had a licence and a badge, and that the taxi belonged to his father. But, Santosh could not produce his licence, nor his badge, neither before the court nor to the police. He says the police never asked him for the documents, so he did not produce them. The police did not ever see his taxi, nor investigate it, nor did they ever produce that taxi before the court. They did not ask the accused to recognise the taxi, nor did the accused confirm that it was the same taxi they had hired to carry the black bag from Bandra to Churchgate on 11 July 2006.

During cross-questioning Santosh told the court that within a week of his statement, he discarded his taxi to scrap since it had become old and irreparable. He said he had bought it from his father L. Kumar Singh, who was no more. He claimed that the taxi he was driving now was his own. He claimed the taxi MRK-8286 was registered in his father's name in which he had dropped the two young men at Churchgate. The taxi he claims he owns now is MH-02-WA-8139.

According to the information gathered through RTI and submitted before the court, all the claims made by Santosh are false. The aforementioned taxis are registered not in Santosh's name but a person named Satish Kumar Singh.

Santosh revealed during cross-questioning that he never mentioned to the police the size of the bag in terms of length and breadth nor did they ever prepare sketches of the suspects with his help. The police had not at all for once seen his taxi nor had Santosh shown it to them. Santosh did not ever show the police the exact spot from where the two suspects got into his taxi from Bandra, nor the exact spot where he dropped them at Churchgate.

There are enough contradictions and loopholes in the statement Santosh gave before the police and the statement on oath he made before the court. After 11 July 2006, Santosh never felt that he might be having some important information regarding the bomb blasts. He never felt suspicious that the two strangers who travelled in his taxi may have had a bomb in the black bag they carried. He was mum for four long months, but when the police contacted him in November 2006, he started singing like a trained parrot.

The truth is, Santosh was never a taxi driver. Nor did the accused Asif Khan ever travel in his taxi with a black bag. The truth is, just like any other day Asif Khan, an engineer by

profession, was on duty at Lokhandwala, Kandivali from 9:05 am to 6:25 pm. The ATS has enclosed the attendance register of the company he works for, with the chargesheet. The evidence is on record now.

The second taxi driver as witness, Rajesh, aged 37, is a driver by profession. He stays at Room no. 13, Chawl no. 3A, Shivneri Welfare Nagar, Veer Jijabai Bhonsle Marg, Mankhurd, Mumbai 400043. He claims that in 11 July 2006 afternoon he was waiting for passengers with his taxi at Carter Road, Bandra. Two passengers came to him. One of them was carrying a black bag with him. They sat on the back seats and kept the black bag on the front seat beside the driver. They asked Rajesh to take them to Churchgate. On reaching Churchgate, they paid the taxi fare and left towards Churchgate subway.

Four months later, he was again at Carter Road, Bandra, with his taxi. Two policemen approached him and enquired whether he had dropped any passenger to Churchgate on 11 July 2006. When he replied in affirmative, the policemen took him to Bhoiwada ATS office, where Rajesh recorded his statement.

A few days later, the ATS took him to Arthur Road jail where he recognised Faisal Shaikh in the identification parade as the person with the black bag whom he had dropped at Churchgate. Five years later, Rajesh appeared before the court, repeated the above statement and recognised the accused.

During cross-questioning he was unable to stand by his false statement tutored by the ATS. He claims that in 2006, he used to drive a taxi owned by a person called Prakash Jedhe, numbered MH01-J-4066. He was unable to provide Prakash Jedhe's full name, complete address, nor the taxi's permit number. Furthermore, he was unable to mention the usual measurements of the driver's seat in a taxi.

The police never tried to record Prakash Jedhe's statement. They did not try to confirm whether a person named Prakash Jedhe exists, who could be the owner of this taxi. Rajesh never produced any document pertaining to the taxi, nor did the police ever ask him to do so. The police did not ever see his taxi, nor investigate it, nor was it shown to the accused persons, nor was it ever brought to court premises. Amazingly, the police did not even bother to ask to see Rajesh's driving licence and badge, nor did he ever produce them before the police.

The police did not ever ask Rajesh to show them the exact spot from where he picked up two suspect passengers, nor the spot where he dropped them. The police did not ever prepare the sketch of those two passengers with the help of Rajesh's description. They did not ask for the measurements of the black bag.

Identification parade in jail

When an accused is sent to jail from police custody, the investigative agencies immediately reach there to conduct his identification parade. Usually, the accused are scared in such conditions. They do not understand most of what is being done to them. They just bear silently whatever is being done to them and neither object to, nor question jail officials. What exactly is an identification parade and what is its significance? There is a need to understand this.

According to the law, immediately after being sent to the magistrate's custody, an identification parade of the accused is supposed to be conducted. The exact procedure: a special executive officer (SEO) is appointed, who is asked to conduct an identification parade at a particular date in a particular jail. Permission is obtained from the trial court to conduct the procedure. The police inform the jail authorities that a particular SEO shall be visiting the jail for identification parade on such and such a date regarding such and such a case. Jail officials are asked to arrange for and assist in the procedure. The SEO brings with him two reputed individuals from society as *pancha*-witnesses. The police bring with them witnesses of the particular case. The SEO enters jail with all those accompanying him. The witnesses are seated in a separate room. He enquires the witnesses whether the police have previously shown them the accused or his photograph. They reply in negative. The jail officials bring the accused and some other dummy accused to the identification parade room. Seven to eight dummy men are made to stand in a line and the accused is asked to stand in the row wherever he likes. Then the SEO makes sure that nobody can see into the room from outside or see out of the room from within. Then the SEO, in presence of the *pancha*-witnesses asks for one witness to be brought into the room. The *pancha*-witnesses close the door and leave the room. They knock the door after a while and inform the SEO that they have

brought another witness with them named so and so. The door is opened, the second witness is let in and the door is closed again. The SEO then asks the witnesses: "Do you recognise any of the accused. If you do then touch then him with your finger and identify him." The witness takes a close look and recognises the accused and informs that he had seen this particular person committing the crime, and further details. All proceedings are written down by the SEO, signed by him and the *pancha*-witnesses. He hands over the papers to the police, who attach it to the chargesheet. The SEO is later called to bear witness before the court and he gives his statement accordingly. Thus, the identification parade is concluded.

Why identification parade?

In almost all important cases, identification parade is carried out; to prove that the police have arrested the correct person. The witnesses are supposed to recognise the accused and confirm the findings of the police. Then the same witnesses appear before the court and recognise the accused there, too. The parade ensures that the police investigation is headed in the right direction.

This is how the things are supposed to happen ideally. But, in reality, when an identification parade is conducted in jail, the staff is hand in glove with the police team and they help them in all their illegal acts. After being sent to jail, whenever an accused is called out of his barracks, he must first ask and confirm the purpose for which he is being called. If the identification parade is conducted in an open space, then he must protest and assert that legally an identification parade is supposed to be performed in a closed room. During the procedure, if the jail staff points you out to a stranger (so that he may identify you as an accused later in the parade), then you must immediately inform the SEO.

Usually, the SEO is in cahoots with the police team. So, you must make sure that whatever SEO has written down is correct. Ask for a copy of the SEO's entries. Inform the SEO that a lot many of your photographs have been printed and telecast in newspapers and channels. Implore him to question the police team regarding the matter when they enter the jail. If you find any malpractices or deviation from the standard procedure, complain about it to the trial court and high court. Confront the fake

witnesses and ask them: "Why are you giving false statement against me at the behest of the police? Why are you hell bent upon destroying my life?" Your complaint should be heard the very day this drama, this mockery of justice, is performed in the name of identification parade or at least the next day.

Before and after your arrest, whatever photographs of yours have been printed or telecast in print and electronic media, attach a copy of the same and send them to the court after your identification parade. How many times were your photographs taken during the police custody? How many times were you video recorded? How many times were the witnesses brought before you to identify your face? Make a note of them all and complain to the court about the same. Only if you manage to get all these misdemeanours on record in the court, you may succeed in weakening the false case against you and you can hope to be declared innocent and released. Or else, you may end up like the innocent prisoners of 7/11 case, or Himayat Baig.

Five taxi drivers missing

According to the police's story, the accused divided themselves into seven groups. Each group containing two members; one Indian and another a Pakistani. These seven groups travelled in seven different taxis with bomb-bags from Bandra to Churchgate and planted the bombs in trains and caused blasts. But the defective police investigation has produced before the court only two taxi drivers out of the seven. Add to it the doubt that whether these taxi drivers are at all real, or fake? Even to this day the ATS is clueless about the remaining taxi drivers and their taxis. Neither was the ATS successful in searching them out nor did the drivers themselves ever report to the police station out of their own.

If not incomplete and defective, what else could one call this investigation by the ATS? Yet, the ATS claims that it has successfully solved the case. The ATS claims to have arrested all the accused of this case by hunting them out of every nook and corner of the country. But, the big question is why has the same ATS failed in searching out five taxi drivers? (Note: Kamal was arrested from Bihar and Majid was arrested from Kolkata). The truth is criminals run, hiding from the law, but the witnesses do not. The only answer to this question is that the accused did not

ever travel with those seven black bags from Bandra to Churchgate. That is why the ATS could not ever find out those seven drivers. The two putative taxi drivers whom the ATS has produced as witnesses are not at all taxi drivers, let alone being witness to the crime. In fact, they are police informers and ready to serve stock witnesses.

Why travel from Churchgate to Dadar?

According to the police, the accused carried bombs in black bags, travelled from Bandra to Churchgate, and then planted them in Western Railway first class compartments. The ATS further says that after planting bombs the accused travelled in the same trains till Dadar, where they got off and dispersed to their hideouts. It is strange that these supposed bombers travelled such a long distance fearlessly. What could have been the need to travel so far when they could have easily got off at the station next to Churchgate? A criminal would always want to face as few people as possible and flee the scene at the earliest. The fact is that the ATS has invented a story of convenience, so that they can narrate a sequence of events and produce false witnesses to support their story. The ATS has produced four eye-witnesses in this regard:

Subhash Kamlakar Nagarsekar: Eye-witness of Mahim bomb blast?

According to the Police report, the blast at Matunga was a handywork of Kamal Ansari and Pakistani nationals, Saleem, Hafizullah and Aslam. The ATS has produced an eye-witness in this regard named Subhash Kamlakar Nagarsekar. He is aged 61, stays at room no. 18, Ground Floor, C-278, Suraiyya Mahal, JSS Road, Thakur Wadi, Mumbai 400004.

The ATS claims that Nagarsekar had travelled in the local train on 11 July 2006 and had seen Kamal Ansari placing a black bag in the first-class compartment. According to statement made by this false witness in the court, the story goes like this: Nagarsekar used to work in a company. He later resigned from his job and started working as a real estate agent, for which he used to travel in local trains.

On the evening of 11 July 2006, he took a local train from Charni Road station to Churchgate. He was headed towards Sai

Baba Port, Thane. He boarded a first-class compartment of Virar Fast local train. When the train stopped at Churchgate, passengers started rushing in, he saw *two men* entering the compartment with a big blackish rexine bag. They kept their bag on the rack above Kamlakar's seat and stood in the passage.

When the train reached Dadar, the man who had placed the black bag got off the train *with* his two friends. Nagarsekar noted that he was not carrying his bag with him. After getting off, Kamal went to the window and was gesturing someone to get off the train. However, Nagarsekar took a train from Central Railways and left for Thane. As soon as he got off the train, he was informed that there had been bomb blasts in Western Railways. Nagarsekar paid a visit to a temple and left for home. Nagarsekar saw the news in TV that there had been seven bomb blasts, several people had died and that all the blasts had occurred at stations beyond Dadar.

In the first week of October 2006, Nagarsekar read in a newspaper that the ATS had arrested 13 men in connection with 7/11 blasts. He also read that the bombs were covered in black rexine bags and planted in first class compartments. The news said one such bomb was also placed in Virar Fast local 5:57 pm train, which exploded and claimed many lives. He suddenly recalled that he was present in that train and had got off at Dadar after which the blasts occurred. Nagarsekar thought it better to meet the ATS and confirm it if was the same compartment in which the blast occurred.

Accordingly, he went to Bhoiwada ATS office on 18 October 2006 and enquired. The ATS informed him that the blast had occurred in the first of the first-class compartments from Virar side. He then narrated the whole story to the ATS. He claimed he would recognise the "man with the bag" if saw him again. The ATS finally recorded his statement and let him go.

On 27 November 2006, he recognised Kamal Ansari in an identification parade and confirmed he was the same person who had placed the black bag on the rack above his seat. Four years later, in 2010 Nagarsekar recognised him in the court also.

At first, it appears as if the witness Nagarsekar is speaking the truth. The ATS, with the help of legal experts, has drafted a perfect story which seems to have no defect or loopholes. But, just like all other false stories, this one, too, crumbles when subjected to cross-questioning and the lies become obvious.

During the cross-questioning Nagarsekar refused to name the company he used to work for. Why on earth was he trying to hide the name of the company he worked for? It is clear that he never worked for any company, but was a full-time police informer and a stock witness who would bear false witness at the behest of his masters, the police. When he was questioned, he accepted that there were three temples near his residence, of which Sai Baba Mandir is quite famous. So, what possibly could have been the reason to travel all the way and visit the Sai Baba Mandir in Thane? The reason that he mentioned for his travel to Thane on 11 July 2006 was incredible.

Nagarsekar claimed he usually travelled by local train and had a three-month pass. Strangely, the ATS did not collect his pass (or its photocopy) as evidence, nor did Nagarsekar produce it to the ATS.

There was no pass nor ticket produced before the court to prove that he had travelled on 11 July 2006. Except his verbal claim there was nothing to say that he had travelled in the local train on that day.

He claimed he had boarded the Churchgate double fast local from Charni Road. The fact is that this train does not stop for passengers at Charni Road station. His residence is situated closer to Chhatrapati Shivaji Terminus (CST) (earlier known at Victoria Terminus VT) than Charni Road station. So, if he had to go Thane, why did he not go directly to CST (VT)? There he could have spared himself the trouble of climbing the busy bridge steps, walking down and changing trains, given his claim that he was quite old, weak and suffering from many health problems. Choosing Charni Road station instead of CST creates doubts. He could not give a proper reason for his choice.

He claimed he was used to travelling from Charni Road to Churchgate and Churchgate to Dadar in the same local train and he was familiar with the usual passengers, and often used to talk to them. But, strangely, after Nagarsekar came forward as eye-witness, the police did not call him to identify the wounded passengers as to who amongst them were with him in the train on the day of the blast. This would have further substantiated Nagarsekar's claim that he used to travel by this train and that was why he could identify the wounded passengers.

How many passengers get in and get off the train at Charni Road station? How many get in and get off at Churchgate and

other stations? How many board the train with a bag? How many of them keep their bags on the rack? What is the size, shape and colour of each bag? Who amongst the passengers stands where in the train? Who was doing what in the train? Nagarsekar failed to answer all these questions. But on the contrary, he was able to recall each and every minute detail of the accused Kamal Ansari. Where he got in. How he was carrying a bag. Where he placed his bag. Where he stood. Where he got off. And what he did after he got off the train. Nagarsekar remembered all of this perfectly. Thousands travel by the local train every day. It is not just difficult; it is impossible to remember anything about a particular person. especially when he is a stranger.

Nagarsekar was unable to describe the compartment he claimed to have travelled in, or how many seats it has and other such details. He was unable to describe the suspect in terms of facial features and appearance. Whether he had a beard or not. Whether the shape of his face was round, long or square. Any distinct mark or feature on his face. In reality, he never saw anyone placing a bag in the train.

In fact, Kamal Ansari was not in Mumbai the day he is alleged to have planted the bomb in a local train. According to the information gathered through RTI, the CDR and mobile location places Kamal Ansari was in Madhubani, Bihar. It proves he was in Madhubani and his mobile phone was on. He was making and receiving calls on his mobile. How is it possible that the same person is present at two locations at the same time? Kamal's call data record completely demolishes the eye-witness Nagarsekar's false statement.

This supposed eye-witness claims that he had two mobile phones during 2006. He says he had left a mobile phone at his daughter's place and was carrying another with himself. When his number was asked for, he refused to provide it. Why? What was he scared of? Nagarsekar's mobile number would actually help the investigation a lot. It would provide answers regarding two questions. Once his call data record was available, it could be found where he was actually on the evening of 11 July 2006. If he was in the local train, his location would be somewhere between Churchgate and Dadar. It would further consolidate his statement, render it strength and make it irrefutable. But, if his location was pinned to some other place, it would prove that Nagarsekar was

lying and neither did he travel by the local train nor did he witness Kamal planting the bomb. Add to it Kamal's own CDR and mobile location. Nagarsekar did not provide his phone number to court to save his false statement from getting exposed.

Nagarsekar accepted in the court that he has connections with the infamous criminal Arun Gawli and that the latter had given him Rs 4 lakh. But, he was not ready to disclose to the court why Gawli gave him such a large amount. One explanation is that Gawli gave him this amount so that Sikar may give false statement against the accused at the behest of Gawli and the police.

Nagarsekar confessed to the court that he was a real estate agent and was into illegal construction. In the same breath he also mentions that he was in "catering business", but again he refused to provide details of his job. He mentioned that the ATS/police never showed him the affected train. They did not ask him to point the seat on which he was seated that day and from which direction and which door Kamal entered, on which rack he had kept the bag and at which exact spot he was standing. The police did not even show him a photograph of the affected compartment. Nagar committed the blunder of accepting that he couldn't confirm if the blast had occurred in the same compartment he had travelled. This means the bag Nagar claimed was kept on the rack above his seat did not exist. The least that could be inferred from his statement is that he only saw (if at all) the accused Kamal Ansari travel with a bag and it is not at all a crime to do so.

Nagar informed the police that during 2006, he had a monthly pass, but later he changed his statement in the court and said that he had a six-month pass. In any case no pass was produced before the court, be it monthly or half-yearly. The truth is he did not have any such pass. He did not travel in the local train on 11 July 2006. He was a mere stooge of gangster Arun Gawli. He had only volunteered to give false statement at the behest of his master and ATS.

The unclaimed body

Chief investigating officer Patil informed the court that 187 people died in the seven blasts of 7/11. Except one, all dead bodies were claimed and taken away by their family or relatives. It was later learnt that the unclaimed body was of a wanted accused in this

case. He was identified as Saleem Pakistani. Since nobody claimed his body, the police disposed of his body on their own.

According to the police, three Pakistanis had accompanied Kamal Ansari in the local train to plant the bomb. Two of them had got off the train at Dadar station, but the third one could not due to the crowd, and when the blast occurred at the next station *i.e.*, Matunga, he too was killed along with others. A half body, only the upper portion, was found at the blast site. The ATS preserved the body for many days. The ATS chief appealed several times to the public so that someone may come forward and claim the body. During cross-questioning it was revealed that someone did actually claim this body as his relative. The police even heeded to their claim, but later refused to hand it over to them for unknown reasons.

This upper half body was completely burnt and the face was totally unrecognisable. So, it became difficult to ascertain his identity. Since his lower half was missing, it was impossible to confirm if he was a Hindu or a Muslim based on the examination of his genitals. The post-mortem report described him as an unknown Hindu.

Later, when the police failed to arrest the actual culprits of 7/11 and started implicating innocents, they began spreading the rumour that the unclaimed half body belonged to a Muslim, not a Hindu; that he was actually a terrorist, not a common citizen, and that he was a Pakistani, not Indian; that his name was Saleem, a wanted accused in 7/11. Suddenly, the doctors of forensic department were prompted to change the post-mortem report. Accordingly, the word "Hindu" was replaced with "Muslim" and "unknown" with "Saleem". Thus, this half upper body was fitted into the case as that of a wanted Pakistani named Saleem.

The police disposed the dead body after many months. It was never shown to the accused to confirm whether it belonged to one of their co-conspirators. The police claimed that the dead body was of one of those accused who were with Kamal Ansari in planting the bomb, but Kamal has not accepted this claim even to this day. He says he did not know any Saleem, and that he was not in Mumbai on the day of blasts but in Bihar. Not even a photo of the dead body was submitted to the court. In fact, the claimants of the body were threatened and sent back.

Even to this day neither the government of Pakistan, nor any individual Pakistani has claimed that a person named Saleem had gone missing, or that the body found in India was their citizen or family member. The ATS though succeeded in pasting a fake name Saleem on the body, but could not provide his complete name and address even to this day. The ATS is unable to disclose where this partial body was buried and who performed the *namaz-e-janazah* (funeral prayer) and last rite of the deceased.

If the accused Kamal Ansari had actually planted the bomb, why would he take along three foreigners (Pakistanis) with him? Was the black bag containing a bomb so heavy that it needed four men to carry it? No! The police themselves confirm that the bag could have been easily carried by a single person. Or, had Kamal taken those Pakistanis with him in the local train for sight-seeing? Not possible. Since the police itself say the Pakistanis had been in Mumbai for the last three months. They could have done the sight-seeing anytime earlier. Would Kamal not understand that, travelling with the bomb bag accompanied by three Pakistanis with him would be more dangerous and fatal for the mission? Would he not understand that it would cause more trouble if caught with Pakistanis? A criminal always considers precautionary measures and tries to leave as faint a trail as possible.

The truth is the police did not recover any upper half body at the blast site in Matunga. When a failed ATS started weaving a false story, initially they spread a rumour that an upper body had been found, just to create a sensation. Later, to dampen the people's anger they spread the rumour that the upper half body was not of a common citizen, but that of a terrorist. So that the public would find solace in the fact that not just us, even a terrorist had died in the blast. At last, when they caught the innocents and implicated them falsely in the blasts, the ATS spread the rumour that the accused had accepted that the upper half body was of one of their co-conspirators, who could not get off the train due to the crowd and got killed in the blasts.

Let us accept for a while, that Saleem Pakistani got stuck in the train crowd. He knew that they had planted the bomb in the train which would explode in a while. Everyone loves their life. He would have definitely done his best to struggle out of the crowd or at least move as far as possible from the bomb, thereby he might only get injured or, maybe, safe completely. But contrary to the

obvious, this so-called Pakistani stands closest to the bomb so much that out of all the dead in the blast in this compartment only Saleem's face is damaged unrecognisably. The police were not able to find the lower part of his body. This incomplete body exposed the unconvincing narrative of the police.

The reality is Kamal did not plant any bomb. No one named Saleem from Pakistan was with Kamal. Hence, it is impossible that such a dead body be found. The truth is the ATS got so mired in their false story that they had to tell a thousand lies to cover a single lie.

Khar subway (Bandra) blast

Why no eye-witness?

The police report said, Naveed Hussain Khan, along with his Pakistani associate Abu Umaid, had planted the bomb in Khar subway. This claim is baseless, because they have no evidence, nor any witness to support it. They claim that Naveed Khan had planted the bomb in the evening hours, in front of the public and travelled from Churchgate to Dadar. But, none amongst the thousands of passengers came forward and testified that they had seen Naveed Khan planting the bomb. It is not that Naveed planted the bomb in an empty train and got off. There is no eye-witness because Naveed Khan never planted any bomb, nor did any Saleem Pakistani accompany him.

It could be argued that all eye-witnesses who have came forward did testify that the accused had planted the bomb. But the truth is the eye-witnesses were fake, acting at the behest of the police. If the police could manage so many fake witnesses, was it any difficult to produce one against Naveed Khan? But they did not do so. Why? We have already mentioned that the whole case is fake. It is not intelligent enough to plant a fake witness at every step. It would render the case weak and spoil the outcome. Since seven separate blasts had occurred and the bombs were planted in seven different trains, it is difficult to produce seven eye-witnesses. So, why not forge four eye-witnesses, instead of seven, so as to put all efforts on these four, coach them, train them and record their statements to perfection, so that they get at least four planters

convicted successfully. This is the very reason why the police did not take troubles to produce any eye-witness in Naveed's case.

Another reason as to why the police did not produce some taxi driver or train passenger as an eye-witness against Naveed Khan is that they were aiming to turn him into an approver (*sarkaari gawaah*), convict 12 innocents on the basis of his statement, get them sentenced to death and release Naveed Khan. They tried their best to turn him into an approver and did not concentrate much on implicating him with fake evidence and witnesses.

Let us take a look at the efforts made by the ATS to turn Naveed Khan into an approver and see why Naveed refused their offer. Let us also see what significance an approver holds legally.

ATS tries to turn Naveed Khan into an approver

Naveed Khan has testified before the court that during his police custody ATS Krish Pal Raghuvanshi, made him several offers to turn into an approver for them, but Naveed refused those offers. Raghuvanshi kept insisting to Naveed, saying: "Do whatever the ATS asks to you to do! You will get a lot of money in reward. You shall be released and given protection. We will arrange for you to settle wherever you wish! If you wish to start a business, you shall have our complete financial assistance and we shall make all the arrangements for you."

Naveed informed the court that after the police custody he was sent to Arthur Road jail. He was called into jail superintendent Swati Sathe's chambers, where Raghuvanshi was present. He again offered Naveed to turn approver. During November 2006, the ATS officers visited him several times. Raghuvanshi, Sachin Kadam and Khanvilkar did not leave any stone unturned.

Naveed told the court that on 6 November 2006 Khanvilkar and Sachin Kadam came to meet him at Arthur Road Jail. They instructed him to keep mum on his appearance before the MCOCA court on 9 November 2006. They said: "If you complain against ATS or us in the court, the court won't lend ear to you." On 9 November 2006, again Sachin Kadam came to see Naveed Khan in jail and threatened him in the presence of Swati Sathe in her chamber. Even the jail superintendent threatened Naveed saying: "Whatever the ATS asks you to do, do it. Or else you'll face grievous consequences in the jail." That day, the ATS took Naveed

Khan to MCOCA court, tempting and threatening him all the way. They took him to a lush green farm and said "if you agree to our terms, you'll be out of jail in mere 15 days." (There is a separate section of the Mumbai Police assigned to escorts prisoners from jail to the court and back to jail. It is called light arm [LA].) That particular day the light arm did not show up. Instead, the ATS drove Naveed Khan to the court. Naveed not budging to the pressure complained against them to the court.

Despite the complaint, the ATS officers still turned up every fortnight and pressurised him to turn approver. These pressure tactics continued for almost a year. At last (the martyred) advocate Shahid Azmi complained against the ATS officers. All related documents are on record in the court.

Naveed Khan was offered an amount of Rs 25 lakh, marriage with a beautiful girl and a luxurious stay abroad. The ATS convinced him that the government of India was ready to pay for all these and if the government did not pay, the ATS would bear the expenses out of their own pockets. He was told, "Just trust us and help us as an approver in this case."

Why Naveed Khan turned down ATS offer

All efforts made by the ATS went in vain. Had Naveed Khan accepted the ATS offer and agreed to become an approver, it would have meant that he accepted all allegations levelled against him and he would have to make a statement on oath and testify against himself. It would mean he accepted; he was a terrorist, *i.e.*, a Lashkar and SIMI member. That he was a part of the conspiracy meetings. That he planted a bomb in the local train and was responsible for the death of hundreds of innocents. Thus, despite being an innocent he would first have to take the blame of the blasts on himself and then state that other accused were equal participants in the crime. He would earn a full pardon for himself, but it would get the other 12 innocent prisoners sentenced to hang till death or, at least, life imprisonment.

This is exactly what happened in the 1993 serial blasts and 2003 Gateway of India bomb blasts.

The legal status of an approver

Legally speaking, if an accused wishes to turn approver, he can do so only on the condition that he would reveal complete and true information according to the best of his knowledge, regarding each and every aspect and individual involved in the case. If he is ready to fulfil the conditions, an application is filed through him in the court. Later, if his application is accepted, the court records his complete statement. He is subjected to cross-questioning, and once the court is satisfied with his statement, the court grants him a full pardon and releases him from the case. His statement before the court is treated as a strong evidence and, on the basis of this, the other accused are subjected to heavy punishments. Usually, the approver is ignorant of this rule and its outcome.

An accused in 1998 Mumbai serial blasts case, Ashfaq, told this author that the public prosecutor, Ujjwal Nikam, would repeatedly visit Arthur Road jail. Along with jail Superintendent Swati Sathe he pressurised and tempted him to become an approver. At last, Ashfaq agreed to do so. But, when he reached the court, he desisted from bearing witness against his co-accused. Consequently, his case was separated from other accused and he was convicted to life time imprisonment.

Antop Hill encounter

The ATS claims that in the wee hours of 22 August 2006, they arrested a suspect from Wadala Truck Terminal, Mumbai with his Maruti car. Heavy weapons and explosives were recovered during the process. The arrested suspect was a Pakistani named Riyaz Nawabuddin.

During the interrogation Riyaz revealed that his associate, also a Pakistani, was hiding in a haunted building somewhere on the Antop Hill with a huge cache of weapons and explosives. Immediately after extracting the information, the ATS zeroed in on to the flat and asked the suspect to surrender. But the suspect opened fire, and the ATS also fired in retaliation. Consequently, the suspect died in the cross fire. On further investigation it was revealed that the suspect was Abu Umaid *alias* Abu Usama *alias* Muhammad Ali *alias* Muhammad Chinag. According to the ATS, this arrest took place in the 21-22 August, 2006 night. US dollars were shown to have been recorded from the arrested person. An

AK-47 and RDX *etc.* was also recovered from him. It was later learnt that he was also involved in the 7/11 blast case. Separate cases were filed against Abu Umaid and Riyaz. Riyaz was later sentenced to imprisonment for five years and deported to Pakistan.

The ATS later invented a story that though both the Pakistanis were hiding in the same place, they did not know each other as they were sent to India on different missions. However, it remains a mystery even to this day as to how the police came to know that Abu Umaid was involved in the 7/11 blasts. Strangely, one Pakistani, Riyaz, informed the ATS about another Pakistani, Abu Umaid's, hideout. Yet, the ATS booked them in two different cases. Riyaz was kept out of the 7/11 case where as Abu Umaid was implicated as one of the main conspirators. After the encounter, the file that was submitted as a report, named the killed suspect as Muhammad Ali. Then, how did they come to know his other aliases? The truth is, just to sensationalise the case and create ripples three aliases were added to his name.

On one hand the ATS claims that all Pakistanis safely returned to Pakistan after the 7/11 blasts. The ATS says the same about Abu Umaid, too. But on the other hand, they claim that he was hiding at a haunted place in Antop Hill. This makes their story full of contradictions. After accomplishing their mission on 11 July 2006, why was a Pakistani still hiding in India? Even after 42 days of the blast why was Abu Umaid still hiding in the city? The ATS had no answer to this question. The ATS also claims that Abu Umaid had stayed at Faisal Shaikh's residence and was familiar with all accused. So, why was he not arrested from any of the accused's residence? Why was he not arrested alive? Arresting him alive would have helped answer a lot of questions and solve the case.

The ATS registered the three cases separately, *i.e.*, two against Abu Umaid, namely, 7/11 blasts case, and Antop Hill encounter, and a third case of recovery of weapons and RDX against Riyaz Nawabuddin. They never took the trouble of looking at the three cases together. They did not compare the chemical analysis reports of explosives recovered from Abu Umaid and Riyaz's possession with those used to cause blasts in 7/11. This would confirm whether the three cases were part of the same conspiracy, or separate incidents. The ATS has desisted from enclosing the chemical analysis of the explosives from 7/11 case and Antop Hill encounter. They could not confirm if Abu Umaid used the extra

RDX that was remaining after causing seven powerful blasts on 11 July 2006.

The ATS claims that one and a half kilogram of RDX was recovered from Riyaz Nawabuddin and the same quantity was recovered from Abu Umaid's room after his encounter in the haunted building.

We have already mentioned that the ATS claims that 15 kilograms of RDX was smuggled in from Pakistan for the 7/11 blasts. They further claim that the remaining RDX was used in 2003 Malegaon Graveyard blasts. Now the question is from where did Abu Umaid get more RDX? Was it the remainder RDX of 7/11? If so, then why was the Antop Hill encounter case not conjoined with the 7/11? If Abu Umaid was involved in both cases, then why were all documents and materials recovered after encounter not produced for examination in the 7/11 case? All these questions cast a shadow of suspicion over the genuineness of the encounter.

Self-evident things require no proof

We say the encounter was fake. To avoid complications, the ATS did not include Riyaz Nawabuddin in this case. They booked him under a separate case, sent him to jail and got rid of him.

During October 2006, this author met Riyaz Nawabuddin in Arthur Road jail. He told him that he was arrested by the Border Security Force at Gujarat border. They handed him over to the Gujarat Police, who tortured him repeatedly and then handed him over to Maharashtra ATS. The Maharashtra ATS again tortured him so much that his testicles shrunk and got infected. He got so sick with the infection that he was almost close to death. The ATS did not want a lockup death case against them. So, they sent him to jail. The ATS officer Vasant Tajne met him at the jail and struck a deal with him, that he was not to complain against the ATS in the court and, in exchange, he won't be implicated in the 7/11 blasts case. He complied and the ATS did accordingly. He was later operated at JJ Hospital, Mumbai, where his testicles, that were badly damaged by ATS torture, got removed surgically.

Riyaz told this author that he never informed the police about any Abu Umaid's hideout on Antop Hill. He did not even know who Abu Umaid was. He was handed over by the Gujarat Police to the Maharashtra ATS alone. He was wondering whom the ATS

must have killed and spread the news that Abu Umaid, an accused in 7/11 had been killed. This was done only to sensationalise the case, increase the stars on their shoulders and get them citations and promotions.

Kuchal chuka hai kai phool apne bootoN se
jo baazuoN pe sitare sajaye phirta hai
Stamped have they many kernels under their feet,
Those who roam haughty, with stars on their shoulders.

Jogeshwari bomb blast

The ATS alleges that in Jogeshwari blast, Muhammad Faisal had planted the bomb, along with his Pakistani associate Abu Bakr. They produced a fake witness named Devendra Lahu Patil to testify to the same. Let us take a look at the details of his statement.

Devendra Lahu Patil

Thirty-six year old Devendra Lahu Patil of 303, 2nd wing, Lesh Gandha Park, Shastri Nagar, Dombivili (West), Thane district. He claims to be a customs clearing agent. He informed the court that till 2007, he used to stay in Mira Road and often used to travel by local train for his job in first class compartment.

The story in his own words:

> "On 11 July 2006, in the evening hours, he went to Churchgate railway station. The Borivali–Churchgate 5:36 pm slow local was on platform no. 2. I got into the first-class compartment. After a while, two men entered the compartment. One of them was carrying a black bag. He tried to place the bag on the rack, but the rack was already occupied. So, he pushed the bag under his seat and sat on it. His associate was standing nearby. Train departed with a delay of 2-3 minutes. After two three stops, the crowd in the train got much thicker and I could not see them anymore. As soon as the train left Jogeshwari station I heard the noise of a loud explosion. I fell on the floor and other passengers started falling on me. For 2-3 minutes I was unable to understand what on earth was going on. When I gathered my senses, I got up and walked

> out of the train. I somehow caught a rickshaw from the west and managed to reach home at Mira Road. My ears were affected due to the explosion and I suffered internal injuries due to fall on the floor. When I reached home, I learnt that there had been serial blasts, of which even I too was a victim. I did not suffer any visible injury, so I neither saw any doctor not approached the police to complain."

After a few days, Devendra came to know from the news that the terrorists had hidden the bombs in black bags and planted them in local trains. He recalled that he had seen a person with a black bag in the train on the same horrible day. He thought it was better to approach the police. On 20 October 2006, he met the ATS and recorded his statement.

He claimed in the court that on 7 November 2006 during the identification parade in Arthur Road jail he recognised the person whom he saw placing the black bag. He recognised Muhammad Faisal Shaikh as the bomb planter.

Cross-questioning Patil

Patil says that he called the control room and obtained the address of ATS office. But, he was unable to mention the name of the constable who received his call. He failed to answer why he did not approach the police for so many days. He accepted before the court that except his pass, there was no other evidence to prove that he had travelled in the local train on 11 July 2006. Neither the ATS collected the pass from Patil nor did he produce it to the ATS as evidence. Why would anyone accept such an unsubstantiated claim? Especially, when it was a question of life and death for a person. If such claims are entertained, any Tom, Dick or Harry would come forward and claim that they saw such and such a person planting a bomb at such and such a place.

When he was asked to describe the compartment, he was unable to answer as to how many seats, how many doors and how many windows it had. Usually, a person who travels regularly by train can easily recall all such details.

He says that he cannot confirm how many passengers had a bag when they got into the train at Churchgate station. Other than the suspects, he cannot recall even a single person who carried a bag

with him. We all know that thousands of passengers travel in local train with bags. In such a case, to claim that a particular person got into the train with a particular bag from a particular direction and kept it at a particular place is highly unbelievable. Out of thousands of passengers constantly hopping in and out of the local train, it is impossible for anyone to remember a stranger in such great detail. Moreover, Patil did not have any interaction with these two strangers, nor did he have any business with them nor a fight, nor an altercation to remember them in such a manner. Such a claim can only be a lie and nothing, but a lie.

On one hand, he says in his statement before the police that the blast occurred as soon as the train approached Jogeshwari station. On the other hand, in his statement in the court that the blast occurred after the train left the station. An eye-witness would not commit such error in narrating the incident, because to witness a bomb blast in the very compartment he was travelling is an incident he would never forget in his life.

He further accepted before the court that he did not know what a gangway meant, whereas he told the police that he saw one of the two suspects stand in the gangway. Later, he was unable to specify where exactly the suspect was standing. It is well known that the Westerly Railways of Mumbai are so crowded during the evening hours that you hardly find space to place your feet. It can be nothing but a lie to believe if a person claims that he saw such and such a person stood at such and such a spot.

Patil said he was unable to see the suspects due to crowd after the Churchgate station. He does not know when they got off, and at which station. He for sure does not know whether they had the bag in their hand when they got off or not. Then on what basis does the ATS insist that the bomb was in that particular bag? Patil accepted before the court that the police did not ever take him to the train compartment, post-blast. During cross-questioning, he accepted that both suspects had bags in their hands and they did not wear any distinct dress. Then, on what basis did Patil remember their faces and recognise them?

Strangely enough, despite being in the very compartment that suffered the blast, and given his own story that he fell down to the floor and many others fell on him, Patil did not suffer even a minor injury, not even a scratch. He only mentioned some vague internal injury, which healed by itself soon and that is why he did not

approach a doctor. The ATS claim that it was a powerful, high-intensity blast. The blown off roof of the damaged compartment is evidence to give a measure of the intensity of the blast. How is it possible that Patil did not suffer any serious injury? Further, he walked out of the compartment, got on a rickshaw and reached home as if nothing had happened? Was he even present in the compartment, in the first place? Patil's story that he walked out of the compartment miraculously without a scratch and reached home safely, raises many questions on the credibility of his being an eye-witness.

RTI demolishes Patil's every claim

Patil claims that the compartment that suffered the blast belonged to 17:36 local train that departed with a delay of 2-3 minutes. But this claim is wrong. According to the information gathered through RTI, the 17:36 left the Churchgate station right on time. There was no delay in its departure that day. The accused obtained this information from the Westerly Railways and it is on record now.

Patil claimed that he was a customs clearing agent, whereas he did not have any evidence or record to prove that. He did not even have a licence for the aforesaid job. On what basis should it be believed that Patil had been to the Customs House, Fort, Mumbai on 11 July 2006 and that the same evening he went to Churchgate station to catch a train. The Court accepted that Patil could not prove that he worked as a custom clearing agent.

Patil said that after his work at Custom House, Fort, Mumbai, he was headed towards Goregaon, Malad. So, he went to Churchgate station to catch the train. But the reality is, the VT station is much nearer from Custom House in comparison to the Churchgate. Patil accepted this fact. Then what was the reason that Patil chose the farther station instead of the nearer one. The commuters in Mumbai usually prefer a nearer station, thanks to the busy life of the city. This proves that the ATS was deliberately placing him at Churchgate station to pose him as an eye-witness to the Jogeshwari blast.

Patil narrated to the court that the black bag was placed under the seat. But after the blast he could not recall if the floor of the compartment was damaged or not. He failed to notice that the upper portion of the compartment (towards the rack) was

damaged more than the lower portion. He claims that he was conscious after the blast and that he walked out of the compartment on his own and reached home. Then, how did he miss to notice which portion of the compartment was damaged and which was intact? The truth is the rack portion of the compartment was damaged more than the floor. It is enough to conclude that the bomb was placed on the racks and not under the seat. Thus, Patil's claim that he saw Faisal place the bomb under the seat is false.

Patil had informed the court that he used to stay in Mira Road during 2006 and was still residing there when the blasts occurred on 11 July 2006. Later he shifted to Dombivili in 2007. He had no evidence to prove this in the court. He neither knew the address of his supposed residence in Mira Road nor did he have any agreement paper. Now, the question is when he did not have to go to Mira Road (as it is proved that his residence was not there), and he was headed towards Goregaon Malad, why did he not catch the train from Central Railways VT station?

What ill fate diverted him from VT station, took him towards the Churchgate and landed him in the exact compartment that suffered the blast on the evening of 11 July 2006? And, what blessed miracle brought him safe and unharmed out of the compartment? The answer is that neither ill fate nor blessed miracle, but only the ATS invented a false story and cast one of their informers to play the role of an eye-witness.

He claimed he fell onto the floor after the blast and other passengers started falling on him. His clothes got stained with blood. Though he did not suffer any injury, the injured passengers falling on him stained his clothes with blood. But neither the police collected those clothes from him as evidence nor did Patil hand them over to the police. What did the bag look like, exactly? The exact size, shape and pattern? What did the suspects look like? Their height, build, complexion etc.? What was the condition of the injured he saw after the blast in his compartment? Patil failed to describe all these. He did not have any evidence except his verbal claims.

Patil's statement is based on falsehood. He was in contact with the police as he was their informer, and he agreed to act as an eye-witness at their behest. He just repeated before the court a statement drafted and dictated by the police.

Patil said that on 11 July 2006, he caught the 17:36pm train from platform no. 2 of Churchgate station, which departed the station with a delay of "two-three" minutes. But when the accused filed an RTI and enquired about the 5:36pm Borivali slow local from Churchgate station, the information given by the Western Railways officials said that on 11 July 2006, the 17:36 local, left on time. Contrary to Patil's claim, there was no delay. The RTI reply said that the 17:36 local departed from platform no. 1, not platform no. 2 as Patil claimed. Patil accepted before the court that he did not know which train was stationed on platform no:1 and when it left. This means Patil did not at all travel by the 17:36 local train on 11 July 2006. Even if he did travel, he must have boarded some other train on platform no. 2, which did not suffer any blast. He was just helping out the police with his false statement.

Borivali bomb blast

The ATS report mentions that in Borivali blast Asif Khan had planted the bomb along with his Pakistani associate Sabir. In this regard the police as usual produced a fake witness who gave a statement in the court just as the police desired. Let us analyse his statement.

Kishwar Popat Lal Sahani (Shah)

Fifty-seven year old business man Sahani from flat no: 1004, Tenth Floor, Kulupwadi, Raheja Estate, Borivali East, Mumbai. He claimed in the court that he owned a textile shop at Swadeshi Market, Kalbadevi Road. Every day he travelled by local train in the first-class compartment from his home to the shop and back home. On 11 July 2006, in the evening hours after closing his shop, he reached the Churchgate station. The Virar fast local train was standing there on platform no. 3 at 5:37 pm. He boarded the first-class coach. While he was standing at the door, two men stepped into the train and requested Sahani to make way. He moved aside. The two suspects proceeded in, kept their bag on the rack and came back to stand near him. As the train crossed each station, the crowd started growing thicker. They approached the gate to get down at Dadar. Some co-passengers reproached them saying that if they had to get down at Dadar, why did they get into Virar fast

local train? They replied they were new to the city and did not know much about the trains. Finally, they got down at Dadar. Now, Sahani approached the other door as he had to get down at Borivali. As the train was about to stop at Borivali station, a loud explosion occurred that knocked some passengers out of the train. Sahani and others fell on the platform. People were running helter-skelter in panic. Sahani lost his spectacles, wallet, mobile and bag. His face and his hands were wounded. Someone told him that it was a bomb blast. He somehow walked out of the station. A policeman approached him and offered to take him to Bhagwati hospital. Sahani refused politely and asked the policeman to just get him an auto to go home. The policeman stopped a rickshaw already occupied by a couple. He made the couple get down, put Sahani in it and sent him home.

When he reached home, his wife was unable to recognise him as his face was smeared with blood, covered with wounds and soot. He then got treated by his family doctor Dr. Gohil. He also visited an ENT specialist the same night who told him to take rest as nothing was wrong with him.

Three days later, on 14 July, 2006 he reached Borivali police station and informed them that he was wounded in the blast and he suspected that two men he saw in the train were behind this. The police record his statement in detail and asked him to stay a while so they could prepare sketches of the suspects with the help of an expert. But Sahani left the station and went away. Meanwhile, the police visited his residence two to three times to question him, but each time Sahani was not home.

During the last week of October 2006, he visited the ATS office and enquired as to why the police kept coming to his house. The ATS informed him that they had arrested a few suspects and asked if he could recognise any of them. Sahani obliged.

On 7 November 2006, Sahani was taken to Arthur Road jail for identification parade and he recognised Asif Khan as the suspect who had placed a black bag on the rack. Four years later he appeared before the court and again recognised Asif Khan.

Truth comes out in cross-questioning

Sahani deposed before the court that when he went to the Borivali police station to record his statement, neither did the police ask

him to submit his pass nor did he volunteer to submit it as evidence.

Like all other fake eye-witnesses, Sahani, too, was unable to describe the bag in terms of size, shape, pattern *etc.* except for its colour. Except for the two suspects, Sahani could not recall any other detail such as how many men carried a bag? Who was standing where in the train? Who got in and got off where?

When he was asked to stay after recording his statement so that a sketch of the suspect could be prepared with his help, why did he run away? And when he met the police, why was the sketch not prepared again? Four months later, when Sahani met the ATS, why did not even the ATS prepare a sketch of the suspect? The answer is simple. Had a sketch been prepared, it would not have matched with Asif Khan and that would have made it hard for the ATS to implicate him in Borivali blast.

Sahani told the court that the accused Asif Khan had placed the black bag on the rack on the right side of the compartment, *i.e.*, towards platform no. 4. This would mean that the blast occurred on the side of platform no. 4. However, the blast occurred on the left side, *i.e.*, towards platform no. 3. This can be easily confirmed by taking a look at the photograph of the compartment taken after the blast.

The accused Asif Khan filed an RTI and asked the Western Railways regarding the train that suffered the blast at Borivali as to on which side of the compartment had the blast occurred. They also asked for a post blast photograph of the compartment. The railway officials sent a coloured photograph of the compartment which proved that contrary to the fake eye-witness Sahani's claim, the blast had occurred on the left side of the compartment. The information received in the RTI query and the photographs were submitted to the court.

Sahani did not submit his pass before the court. He made contradictory statements. In his statement recorded by the police he said he had a monthly pass, whereas in his statement before the court he said it was a half-yearly pass. This is enough to expose his lies.

Sahani accepted before the court that in July 2007 he was invited in a programme organised by BJP at Hind Mata, Mumbai where he met LK Advani. *The Times of India* published a photo of this meeting.

Sahani claims that he saw the accused Asif Khan board the train from Churchgate and get off at Dadar station between 17:30 to 18:00. This is nothing but a plain lie. Asif Khan mentioned in his statement that he worked at Lokhandwala Constructions as a billing engineer. He said he was at the company's site Kandivali and was busy working on 11 July 2006. The records say, he was at the site from 9:05 to 18:25. When this was mentioned to Sahani, he accepted that it is possible that Asif Khan may have been at Kandivali site doing his job. But, how is it possible that Asif Khan was present at two places at the same time, Kandivali site and Churchgate? This proves that Sahani made a false statement at the behest of the police that he saw Asif Khan in the evening hours at the Churchgate.

What RTI reveals about Sahani?

In cases where draconian laws like TADA, POTA and MCOCA have been invoked, the accused is hardly given any right to defend himself. Accordingly, the names of the witnesses are deleted when the chargesheet is handed to him, so that he does not know the names of the witnesses who testified against him and that he is rendered unable to defend himself efficiently. Almost four and a half years after 7/11, when Sahani appeared before the court to testify against Asif Khan, the accused got to know his name and address. Later, when a background check was done on Sahani to find out as to why on earth he was hell-bent on testifying against innocents. When RTI was used to seek information about him, it revealed that he had several cases against him. The Mumbai Police had arrested him several times. He was co-operating with the police to avoid conviction in those cases.

On 10 July 2007, Sahani was arrested at Kasturba Marg police station and a chargesheet was submitted subsequently. His wife Naina Kishor Sahani had complained against him that he was drunk all the time, gambled and did not work at all. Consequently, he piled a huge debt against the family. She also complained that he would often beat her for money.

Similarly, a case of fraud was registered against Sahani in 2002 at LT Marg police station. The police officer, Kishan Gaikwad had arrested him back then and had later submitted a chargesheet. That police officer was in ATS during 2006 when the 7/11 blasts

occurred. Gaikwad forced Sahani to act as an eye-witness in 7/11 and in exchange he would be let off two cases against him.

Sahani told the court that when he reached the Churchgate station at 17:30, he found the 17:37 fast Virar local train already on the platform no. 3. But the RTI says that the aforesaid train arrived only at 17:32. Sahani said that when he got into the train, he saw all window seats occupied. So, he chose to stand throughout his journey. But, according to statements gathered by the ATS from those wounded in the blasts in this particular train, they said they boarded the train from Marine Lines station and they found the window seats vacant. So, they sat on the window seats through their journey. When a train departs from its first station, it is usually unoccupied and the window seats are easily available. This clearly demonstrates the falsehood Sahani resorted to.

The truth is Sahani never travelled on 11 July 2006, in the local train that suffered the blast, let alone him witnessing a person place a black bag somewhere. Asif Khan never placed any bag in any local train that day, because he was at his company site busy doing his job. Sahani claimed he got treated for the wounds he suffered due to the blast. But he did not ever produce a prescription or an OPD sheet from a doctor before the police or court. He has nothing but a verbal claim that he was wounded and got treated.

Mira Road blast

Regarding the blast that occurred at Mira Road, the police report says, the bomb was planted by Ehtesham with his Pakistani associate Ammu Jaan. The ATS produced a fake witness in this matter.

Vishal Kishor Parmar

Thirty-year old Vishal Parmar, Room No. 17, A block, BMC Colony, Ambedkar Nagar, Mahalakshmi, Mumbai 400034. He said he worked at Mukesh Rabadia, Tulsi Road, Mumbai Central. Mukesh lent money on loan and Parmar worked on recovering it from them.

On 11 July 2006, he went to an ENT hospital, and from there he had to go to BMC Bank. So, he went Churchgate station to catch a train. While he was waiting for the train on platform no. 3, two

men approached him and asked whether the Virar fast local train passed *via* that station. Parmar took a look at the indicator and confirmed that the 17:19 train did leave from this station. The train arrived, and Parmar got into the first-class compartment. Parmar saw that those two strangers also got in the same train. One of them had a black bag in his hand. The bag bumped onto Parmar's feet while they were getting in.

Parmar and the two strangers, had to bear the whole journey standing. He took a look at the size of the black bag and felt odd that the bag was too big to be carried in a first-class compartment. They all got down at the Dadar station. Parmar noticed that the strangers did not carry the bag with them when they got off. As he was engrossed in his business, he did not give much thought about it and left. An hour later he heard that there had been blasts in the local trains.

A few months later, Parmar read in the newspaper that the bombs were kept in black bags. He recalled that he had seen two men place a black bag in the train. Curious, he again read the newspaper to find out which agency was investigating the case. He found out that the ATS was handling the case. He went to the ATS office and his statement was recorded like that of other witnesses.

On 7 November 2006, he was taken to the Arthur Road jail for an identification parade wherein he recognised Ehtesham as the suspect who got in the train with a black bag on 11 July 2006, but he did not have the bag when he got off at Dadar. Four years later he again testified in the court and recognised Ehtesham as the accused.

Cross-questioning Parmar

There are so many loopholes in the ATS story that even a layman would easily reject it. The ATS did not at all claim that Ehtesham was new to the city and that he was illiterate. In fact, they knew that Ehtesham was a well-educated person and stayed in Mira Road, Mumbai since many years. Why would an educated person, a Mumbaikar, who often travelled by the Western Railways ask a stranger whether the fast Virar left from that station? Moreover, the huge indicators on the station are enough for an educated person to find out about any train on his own.

Parmar says that he had his railway pass with him when he went to the ATS. The ATS did not collect it as evidence, nor did he submit it to them. Neither the ATS nor the court has a copy of his pass. Then, on what basis can one believe that Parmar did travel by the aforementioned train on 11 July 2006?

The ATS did not ask Parmar to show the exact spot in the Churchgate station where he was standing, waiting for the train. They also did not ask the particular direction the strangers approached him from. The same about where they got off at Dadar station and where they headed? Parmar, too, did not bother to show these spots to the ATS. The truth is, this whole story is nothing, but fiction. That is why they did not bother to collect further details.

Parmar says that he was standing near an indicator and as soon as the Virar fast local arrived on the platform, its arrival was announced. It is unacceptable to believe that a person instead of reading the indicators and hearing the announcement would rather wander on the station asking strangers about his train.

He is unable to tell how many people boarded the train at Churchgate, how many people boarded and alighted at other stations and how many alighted at Dadar and what stuff they were carrying. He is also unable to say how many passengers travelled with bags and what were the colours of their bags...? Then how he could clearly remember everything about what two persons carried. During cross-questioning, Parmar was clearly informed that the person he was suspecting as the bomb planter, Ehtesham, was at Mira Road the whole day on 11 July 2006. He shrugged his shoulders and said "I don't know!" This proves Parmar did not see the accused Ehtesham at the station. Had he seen him, he would have argued with conviction that the claim of his presence at Mira Road was false. He would have said that he had seen Ehtesham at Churchgate station. Ehtesham's call data record and mobile location were produced before the court, which proved that he was at Mira Road the whole day.

Parmar is claiming to be an eye-witness but ATS did not seek his help to draw any sketch. Not only this, police did not even ask him to describe the faces of suspected persons.

RTI demolishes Parmar's claim

Parmar claimed that he recognised Ehtesham in an identification parade conducted on 7 November 2006, at the Arthur Road jail in the afternoon hours, 13:00 to 13:30 precisely. The jail registry of the *Anda*-cell,[a] obtained through RTI clearly states that Ehtesham was brought out of the cell on 12:35 pm and put back in at 12:40 pm. How then is it possible that Parmar recognised Ehtesham between 1:00 to 1:30 pm where as he was not at all out of his cell during this time, nor presented before Parmar?

Parmar also claimed that on 11 July 2006 he had been at ENT Hospital, Hutatma Chowk, to meet a person working there named Baban Khambe. When enquired through RTI, the hospital replied that neither was there a person named Baban Khambe working at their hospital nor any had Parmar come to meet. So, the very basis on which the ATS built Parmar's story was demolished. Ultimately, it is proved that neither did Parmar visit the ENT Hospital nor did he go to Churchgate station on his way back home. So, the question of Parmar witnessing two suspects carrying a black bag does not rise at all.

Parmar claims when he reached the platform no. 3 of Churchgate station at 17:15, the 17:19 Virar fast local had not yet arrived. But when we tried to confirm this through RTI, the PIO of Western Railways replied that the train under question was on time and it had reached the platform on 17:07 pm and had left the station on time at 17:19. Here again, Parmar's lie is exposed.

Parmar narrated in his untrue story that after he was done at the ENT Hospital, he got a call from his boss asking him to go to BMC Bank, Dadar, and meet Lalit Vaghela. Accordingly, Parmar travelled from Dadar to Bandra and met Vaghela. When the accused tried to find out the truth using RTI, the BMC replied that there was no one named Vaghela working at their office. This means Parmar did not meet anyone at BMC Bank, Dadar. He just recited the story ATS taught him, only to be exposed by the RTI.

The RTI also revealed the number of cases in which Vishal Parmar had played the role of *pancha*-witness. It was found out that he had helped the Tardeo police station as *pancha*-witness in three identification parades. He had also served the Crime Branch

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[a] A special high-security barracks for hardened criminals, terrorists etc.

Unit II, in a similar manner. His employer Mukesh Walji Rabadia had also served as a *pancha*-witness in many cases. This proved they were mere stooges of the police department and had given false statements at their master's behest.

The ATS chargesheet falsifies Parmar's statement. The ATS recorded statements of two of the wounded passengers in their chargesheet, named Ramanand Maruti Rao Machhiwad and Kiran Ram Das Kini. Machhiwad informed the police that he had seen the suspect. He appeared 30-35 years of age, average built, fair in complexion, 5 feet 4 inches, clean shaven, with prominent cheek bones, sunken cheeks, wearing a white, striped shirt and full pants. He appeared old and weak. He was carrying a green coloured, triangle-shaped hand-bag with small chain with a grip to hold it. The statements on oath of both these witnesses were submitted to the court, but neither were they called again to record their statements nor were they taken to the identification parade to recognise the suspects. These men narrated entirely different stories, whereas Parmar narrates a different one.

Had they both been to the court and recorded their statements, Parmar's witness would have been rendered suspect. So, the ATS made sure these two witnesses did not reach the court. The question is, who was speaking the truth? Parmar or the twin witnesses? Parmar claimed he saw two suspects get off the train at Dadar. But the twin witnesses narrated the suspect was alone and he got down after Dadar. Kiran Kini claimed he sat on a particular seat in the compartment, but Parmar said that he was sitting on another seat. Who is speaking the truth and who is lying? It could only have been decided had Kiran Kini appeared before the court. But the ATS declared that Kiran Kini had gone missing.

Why did the so-called witnesses lie?

This whole case was based on lies. All seven supposed witnesses—two taxi drivers, four alleged passengers and a witness to the bomb-making at Govandi—all were lying. The question is: Why are they lying at all? What enmity or grudge could they possibly have with the accused? How could they give such false statements on oath?

The answer is very simple. All these witnesses were in touch with the police in one way or the other. A some of them had been

booked under various charges and others had been serving the police as their *pancha*-witnesses. Some of them were helping the police out of courtesy and some had signed a contract with the police that they would say whatever the police wanted them to say, and in return the police would clear them of all the charges against them.

Another aspect of the case is, when the ATS failed to arrest the actual bombers and resorted to implicating innocents, they must have called these fake witnesses and made an emotional appeal that the arrested ones were indeed the culprits, but the public was scared to bear witness against these terrorists. They indeed were the traitors of the nation. But if nobody testified against them, they would be released as innocent soon. At such a point, the witnesses must have agreed to do whatever the police asked them to do. They were made to believe that this was a service to the nation.

Chapter 2 : Confessional statements and their legal status

When the draconian law TADA was enacted, the police got undue advantage in many cases. Especially, the clause regarding confession was heavily misused. A PIL was filed in the Supreme Court that to legitimise the confession before the police was violation of the Constitution of India, thus the clause should be scrapped. A five-member constitutional bench of the Supreme Court heard the case. Two were against legitimising the confession, but the majority decided in favour of the confession. Thus, the confession obtained by police was forever legitimised (Kartar Singh *Vs* State of Punjab). Soon the state governments followed the Centre and formed draconian laws like MCOCA in Gujarat and Maharashtra.

The assemblies can frame laws and ignore them from time to time according to their convenience. But it is impossible to amend or scrap a law that is passed as a verdict by the Supreme Court. The only way to escape such a draconian law is not to sign confession papers.

What is a confession?

The article 20 of the Constitution of India says: "No person accused of any offence shall be compelled to be witness against himself."

These words appear so beautiful and just to an accused assuring him that he cannot be forced to bear witness against himself. But all these words are restricted to papers and the practice is in violation of the article. This violation is rampant throughout the country, without any accountability. Every accused, especially a person accused of terrorism, is subjected to various sorts of tortures and forced to bear witness against his own self. That confession is easily proved in the court and thus an innocent is convicted. Legally speaking, a confession is considered a strong evidence against the accused.

Let us see how a confession is obtained and what stages it involves.

The first stage: Consent of the accused

Apparently, no law in the world can force an accused to confess against himself. Confession can only be obtained with the consent and desire of the accused. For example, after the accused is arrested, the police expose his imagined conspiracy and the accused starts regretting his actions. When he is broken from within and has no way left to save himself, he starts regretting the decisions he (had not) made. His heart begins to repent for his actions, that he killed so many innocents for no reason (as stated by the police). To get the burden off his heart and to repent for his (uncommitted) crime a "criminal" usually agrees to confess his crimes before investigators. Out of his own desire, the "criminal" tells the police, "I regret whatever I did and now I want to repent by confessing my crimes." Then comes the next stage.

The question here is: Does an accused ever regret his action? How many of the accused confess their crimes usually? What exactly happens in the police lockup or torture cell that most accused confess their crime, and as soon as they are out of police custody and sent to a magistrate's custody that is jail, their regret vanishes and they record their written or verbal statements before the court that they had not given any such confession out of their own desire, but that the police had tortured them and taken their signatures on confession papers.

The fact is, a person falsely accused does not usually feel guilt or regret, simply because he has not committed any crime in the first place. As far as hardened criminals are concered, they are bereft of any such guilt consciousness. What is the reason that an accused always expresses his desire to confess before the police, but never before the magistrate of a trial court? It is clear that this putative desire is actually not his, but it is the desire of the police to which the accused has surrendered. This is why no accused is usually seen confessing before the trial court.

Second stage: Production of the accused in front of a senior police officer

Legally speaking, when an accused expresses his desire to make a confession, the police are supposed to immediately send their higher officials a written intimation and request them to have the statement from the accused recorded. The confession is always

supposed to be recorded by a higher officer (DCP/ASP). Once this written intimation is received, the higher official (such as a joint police commissioner) orders a DCP or ACP to record the confessional statement of the accused according to the law. This order is given in writing. Then the DCP or ACP, who receives the order in turn sends a written order to the investigating officers to bring the accused to his office on a particular date. The investigating officers produce the accused before the DCP or ACP on the said date and prepare a written evidence of the accused being produced before the DCP or ACP.

When an accused is produced to make his confessional statement, legally speaking, the DCP is supposed to send all police officers out of the hall and close the door so that nobody from outside hears or sees anything. No one is supposed to be in the hall except the DCP and the accused.

Then the DCP gently talks to the accused and enquires "when, where and how" did he express his desire to confess his crime and what was his purpose behind intending to do so? Then the DCP is supposed to explain to him the legal status of a confession. How it is obtained. And explain him that a confession once recorded in writing acts as a strong evidence and could be used against him in the court. That on the basis of this confession alone, the accused could be subjected to severe punishment and, once recorded, he could not deny it. The DCP instructs the accused to confess only if he is willing to do so out of his own desire. He tells him that he can also refuse to do so. If the accused still changes his mind, the DCP sends him back and does not record his confession. The DCP assures the accused repeatedly to not fear anyone and confess only if he wishes to do so.

Despite all these, if the accused still insists on making the confession, even then the DCP does not record his statement immediately. He gives him a time of 24 hours to think and reconsider his decision. Then the DCP completes all formalities and writes down the conversation between him and the accused. Then the accused is given this written document to read. Once the accused finds the entries written correct, he signs the document, which is then signed by the DCP. The document is then photocopied and the original is sealed in an envelope. Legally this procedure of recording a confession is termed Part-I.

Third stage: Time to reconsider

After the procedures are completed on day one, the DCP calls police officers from a nearby police station and informs them about the accused. He tells them that the next 24 hours are crucial and it is important to keep the accused secluded from all other accused and even policemen. He orders them to take care of his food, get him a medical checkup and instructs them to bring back the accused to him on a particular date.

After this the accused is taken for a medical checkup. He is secluded from other policemen, especially his investigating officers. He can meet his family or advocate if he wishes. In these 24 hours the accused is given time to think over his decision to confess and its consequences.

We can see how considerate and safeguarding this law is. But all of this is confined only to books. In practice none of these rules is followed. The police commit gang rape of the law by violating all these rules and guidelines set by the Supreme Court and high courts. In most cases of terrorism, the police forge a fake record that the accused regrets for his actions and wants to record his confession.

The accused is not at all informed as to what a confession really means? He is kept in the dark. He is not even informed when, where and why he is to be produced and before which officer? The accused is constantly threatened and tortured to keep his mouth shut and sign wherever the police ask him to or else he would face grave consequences.

In the second stage when the accused is produced before the DCP, most often the DCP does not at all talk to him. He just makes him sign the confession papers and sends him to a nearby police lockup without informing anyone what they did to him. He is kept in the lockup only to fulfil a legal formality and the accused spends time there fearing that the police may barge in any time and start torturing him.

Fourth stage: Second appearance before the DCP

After 24 hours, the accused is taken for a medical checkup and from there he is again produced before the DCP. The DCP is supposed to seat the accused, talk to him with compassion and ask him if the time he was given to reconsider his decision was enough

or he needs more time. If the accused asks for more time, the DCP gives him more time. If the accused does not, he is sent back to the investigating officers (ATS, crime branch *etc.*). The DCP must warn him again and again of the dire consequences of his confession. He must educate the accused that it is not binding on him to confess. He has a choice to confess willingly or to refuse. Despite all these assurances if the accused is persistent in making his confessional statement, the DCP complies.

The law instructs that a confession is to be taken in writing either in the hand writing of the police officer or it is computer-typed. If the accused is educated, the confession can be taken in his own handwriting. It can also be recorded on an audio or video recorder.

When the confession is written down, the DCP is supposed to read it out to the accused. When the accused is satisfied that all details of the confession are correct, he signs on each page followed by the DCP's sign on each page. Then the DCP prepares a police certificate declaring that this confessional statement is given by the accused so and so out of his own free will without any pressure, on such a date and time. Then the DCP signs on the certificate. He then gets the certificate photocopied and seals the original in an envelope. This procedure is called Part-II of the confession in legal terminology.

But, in reality no such thing happens. The accused lingers in the lockup in a state of fear. He is not allowed to meet his family and his advocate. Whereas the investigating officers constantly visit him and threaten, saying: "Tomorrow we shall take you to *Sahab* (higher officer). Keep your mouth shut there and sign wherever you are asked to. Or else you will be in much more trouble." Or, something to this effect.

When the accused is produced before the DCP, he does not ask him any question where as he is supposed to do so. He just makes the accused stand in his cabin for some time and keeps writing something without asking the accused anything. What does he write then? Actually, the investigating officers send a readymade confessional statement falsely attributed to the accused. The DCP copies it down on another paper or computer-types it, pretending as if he has gone through all the procedures and take down this confession. When the confession is drafted finally, the accused is made to sign on them. There is total violation and utter disregard

of the law. There is a huge difference between how the procedure is supposed to be and how it is actually implemented. The accused is supposed to make his confessional statement verbally in his own words and the DCP is supposed to write it down. But nothing of this sort happens. In fact, the accused is not even given his own supposed confessional statement to read.

Fifth stage: The accused is presented before a magistrate

Look at the extent the law goes to avail and ensure safety and justice to an accused. It makes all efforts to ensure that no accused is denied his right, nor oppressed. The legal procedure says that when the DCP is done recording the confession of an accused he is supposed to produce the accused before the magistrate with "the enclosed certified copy of the confession." The magistrate is supposed to take the accused to his chamber and ask him whether the confession was obtained from him forcefully? Whether the confession was his own? Has he willingly made the confession? If the accused tells the magistrate that this confession was taken from him under pressure, the magistrate writes it down, signs and stamps it and immediately sends this letter to the trial court with the confession copy. If the accused says that his confession was obtained under pressure and he was tortured, the magistrate is supposed to send him for medical checkup and attach its report with his letter.

When the accused goes through all these stages and his confession reaches the court, then it is said the procedure of obtaining "confession out of one's own desire" is completed.

But the truth is that throughout the procedure the accused is in the clutches of the police. He is not at all informed about "who, when, why" is taking him "where". After producing him before a magistrate, the accused is again handed back to the investigating officers. On the same day or a few days later, he is produced before the trial court and is transferred from police custody to magistrate's custody, that is, he is sent to the jail. In a few days the sealed confession reaches from the magistrate to the trial court. The envelope is then opened in the presence of advocates. The photocopies are handed over to advocates on both sides. When the accused reads this paper, he protests that each and every word written in it is a lie and he did not ever confess to any such thing.

But no matter how many times he says it or submits it in writing, it is of no use now. Because, legally speaking, this confession obtaining has passed all the safeguarding measures made to protect the accused from being forced to confess against his will. At this stage it only means the accused has changed his mind. But the time to retract the confession has gone. The judiciary terms such change of mind as afterthought and does not entertain it beyond this stage.

The law wonders if the investigating officers, the police, including the DCP, were hand in glove in extracting a fake confession, then why did not the accused speak against it when he/she was produced before a magistrate. The magistrate had asked whether this confession was indeed that of the accused. Has he or she really made the statement? Does he or she have anything to say about it? Does he/she intend to make any changes to the statement? He/she had answered in negative that they had nothing to add: The purpose of the accused being produced before the magistrate is to complain to him if he/she was forced or tortured to do something against their will. At that moment had he/she informed the magistrate that the confession attributed to them is not theirs. Only the signature was theirs, that too taken forcefully. Had he/she said they did not own up whatever was written in those papers? The magistrate would have then and there noted down the complaint word by word and sent a sealed letter to the trial court with the confession. This letter would have rendered the confession attributed to the accused illegal and would have saved them from conviction. But the accused was silent at every stage; on the first day before the DCP as well as on the second day; then before the magistrate and, ultimately, before the trial court. This silence at every stage confirms the approval of the accused to whatever had been done to him/her. Legally, it is called "*qui tacet consentire videtur,*" silence implies consent.

How a confession is proved?

The sealed envelope of confession passes all these stages and reaches the trial court. When the argument begins, the public prosecutor calls the DCP as a witness before the court. The DCP takes an oath and deposes before the court that he was ordered by his higher officers to record the accused person's confession according to the law. He obliged and recorded the confession

following all regulations. He then narrates (falsely) how the accused was produced before him, what conversation he had with him, how he was willing to confess, how he was informed that his confession would act as evidence against him and would lead to his conviction. The DCP tells that despite all this educating and reassuring, the accused was still willing to confess. He narrates how the accused was given time to reconsider his decision and, finally, his confession was recorded and sealed. The accused was produced before the magistrate. He produces all documents of procedures Part-I and Part-II, carrying the signatures of the accused and himself on them. Thus, a confession is established before the court and it is established that the accused had confessed out of his own desire. He regretted his actions for the peace of his heart, aware of its legal implications and accepting the consequences of his confession.

Even if one hires the most reputed law practitioner for one's defence the DCPs, who are well-versed in the art of telling lies, propagating falsehood and manipulation, tackle the cross-questions and consolidate the confession. All that the trial court needs is a statement on oath from the DCP/SP and the accused is awarded the harshest punishment only to be followed by the stamp of confirmation of one's conviction by the high courts and the Supreme Court.

Why special laws were framed to legitimise confession?

According to IPC Section 164, since 1973, police have the authority to obtain a confession but only before a magistrate. The accused is not produced before any higher officer. Instead, he is directly taken to the magistrate when he "expresses such desire". When any such accused is produced before a magistrate, he is supposed to educate the accused that it is not binding on him to confess. Despite this, if one desires to do so out of one's own accord, this confession could be used as evidence against him/her in court. If the accused still persists in his/her desire, then the magistrate is ought to give the accused a time of 24 hours to rethink. He is ought to take the accused out of the police custody and place him in a nearby lockup under his custody. Thus, the accused is given time to think over his decision in seclusion and with peace of mind.

After 24 hours, when the accused is brought before the magistrate, he is supposed to warn him again of the consequences of his statement. If the accused still insists on confessing, the magistrate writes down the confession, or gets it typed. After the confession is typed and signed, the magistrate sends the accused to the trial court. When the case begins, the magistrate is to appear before the court as a witness, narrate the whole story and establish the confession.

The IPC section 164 clearly mentions that a confession before the police is not to be considered legal. According to this section, the police was so far unable to obtain a confession and very few accused would confess, because as soon as they were produced before the court, they would know that before a magistrate one could fearlessly talk. They would say, "I do not have anything to confess." If an accused is deceived or coerced by the police into expressing his desire to confess before a magistrate, the magistrate would send him to jail for 24 hours to reconsider his decision. In those 24 hours at the jail the inmates would bring him to his senses and tell him that this is nothing but tactic by the police to manipulate him. So, the accused would next day change his mind and refuse to confess.

Thus, in most cases the police are unable to extract a confession from the accused. Consequently, they would lose the case and the accused would go free. The conviction rate would keep falling down. (Conviction rate is the ratio of the numbers of cases registered to the number of convictions.) This would even expose the police. With every lost case, a message would go into the society that the police falsely implicate innocents.

But if the matter is of terrorism and the accused is a Muslim, section 164 is not enough. If he chooses not to confess under section 164 and gets acquitted, a message is spread that a traitor of the nation would go free. Moreover, it would bring a bad name to the police department. Thus, a special law was enacted. The political masters in order to strengthen the hands of their stooges (the police) framed separate laws and more and more powers were allocated to the police so that they made full use of these powers and leave no stone unturned in reducing Muslims and Dalits to the status of second grade citizens.

TADA, POTA and MCOCA: Progressive increase in unjustifiable power of the police

Draconian laws like TADA, POTA and MCOCA were brought into force on the central level and similar laws were brought in states like Gujarat, Maharashtra *etc.* In these laws a section was introduced which said "if the accused confesses before a higher police officer, it shall be accepted as evidence." Since the enforcement of these laws, the police have heavily misused their powers against Muslims, Dalits and other minorities. Though TADA was scrapped, all the draconian provisions were retained and reintroduced as UAPA (Unlawful Activities Prevention Act).

Normally, an accused can be kept under remand for a period of 14 days without registering a case. But under these horrific laws the duration for remand has been extended to six months. Six months of remand means the police have full authority to torture the accused to their satisfaction and force him to confess whatever they want confessed. Unlike common laws, confession made before the police is legally acceptable as evidence. The police have a full span of 180 days to forge all the fake statements, manage *pancha*-witnesses and fake eye-witnesses. They have enough time to submit a chargesheet and make sure that their false story carries the least possible errors and loopholes. Thus the "patriotic" policemen are given all the time and resources to present their invented lies as facts and get the supposed traitors sentenced to severe punishment.

Political masters have given the police full liberty to produce anyone and any number of people as witnesses without disclosing their names and addresses. The accused are not furnished any information. Even the chargesheet that is provided to the accused is an edited version of the original. Some specific parts of the statements of witnesses are deleted so that the accused remains unable to fully comprehend the very case against him, so that he fails to defend himself properly. Since all these provisions are a part of the law, even the judiciary is bound to respect them.

With these dark laws on their side, the police cast shadows of fear and intimidation over the masses and day by day the reign of police terror keeps spreading. They threaten the arrested accused saying they have the authority to detain them for full six months. "Keep your mouth shut or else you'll be tortured horribly in these 180 days." Thus, a battered, threatened and coerced accused is

forced to sign on the confession papers. With enough time at their hands, they conveniently submit a chargesheet full of lies. They easily manage to produce their associates or informers as witnesses before the court. Since the names and addresses of these witnesses are undisclosed, the manipulation by the police never gets caught. Their names and details are revealed only when these witnesses appear before the court. By that time it would be too late, as the accused have no information or background records about these pretenders. One cannot find all about the witnesses at once. After the witness, when the pretender leaves, the accused realises that this person was actually a police informer, a stock witness. But it would not be of any benefit by then, because the fake witness has already done the damage and fled.

The judiciary treats the testimonies of such fake witnesses with utmost credibility and often sentence innocents to death on that basis. This ease in conviction results in large scale misuse of these draconian laws. The tyranny of police goes on increasing day by day. A mass movement then kicks in and raises its voice to scrap such laws and keep the police in check from violating human rights. The government budges to the pressure, and ultimately discards such laws, only to immediately introduce them again under a different name. Thus, the tyranny never ends. TADA was scrapped and replaced by POTA, which was disposed of and UAPA was introduced.

The extent of the government's blessings on the police is such that though TADA and POTA were scrapped, cases under those draconian laws were continued. This means those who were arrested under these laws will be tried and punished under the same laws despite their being scrapped. All those wanted under these laws, even if arrested after 15-20 years, will be booked under TADA or POTA accordingly. Even today, there are TADA and POTA courts running in Mumbai and other places implementing the long-banned draconian laws. However, no more new cases are registered under TADA or POTA.

7/11 case and 11 confessions

Out of the 13 accused persons, confessions were obtained from only 11 members of the group. Most of them were established by a DCP. In reality, none of these 11 confessions was recorded legally.

Those beautiful justice-ensuring guidelines by the Supreme Court and High Court were all thrown to the wind. The ATS did not abide by even one of them. Not even one amongst the accused expressed any desire to confess, because they never committed the crime in the first place. When they did not commit the crime, the question of confessing it did not arise at all. Yet, on paper it appears as if the confessions by the 11 accused had gone through the legal stages before reaching the MCOCA special court.

The ATS held all the accused in police custody for quite a long duration. Despite holding them for 80-90 days in custody, when the ATS could not find any evidence, they imposed MCOCA on them and bought more time, just for the sake of forcing confessions. (Note: Initially only UAPA and some sections of IPC were imposed on the accused persons). The police tortured the accused heavily only to make them confess according to their fake story. But accused were not ready to do so. Then ACP Sadashiv Laxman Patil of ATS forged the confession letters of 11 accused and officially sent them to the ATS chief KP Raghuvanshi claiming that the accused regretted their crimes and were willing to sign confessional statements. He officially requested Raghuvanshi to immediately appoint a DCP for this "good work". This forgery was committed at the behest of Raghuvanshi and Roy.

The accused were kept ignorant of all this and were produced before the DCP only as a formality. They were instructed that the "Bade Saheb" just wanted to see them. "Keep your mouth shut. If you say anything, you will again be beaten." The accused were produced before different DCPs: Muhammad Majid and Muzammil Shaikh were produced before DCP, DM Phadtare at his office, Dr. Tanveer and Sajid Ansari before DCP Sanjay Vilas Mohite, Ehtesham and Muhammad Ali at DCP Dattatraya Karale's office, Zameer Shaikh was produced before DCP Makrand Ranade, Kamal Ansari before DCP Kumar Chaube, Faisal Shaikh and Naveed Khan before DCP Brijesh Singh and Suhail Shaikh before DCP Ashutosh Dombre.

They were produced before the DCPs for a few moments and the ATS took them to a nearby lockup. This drama was enacted only to show the world that the accused had expressed the desire to confess and the DCPs had given them time to rethink their decision. But the truth is, the accused did not even know why they had been locked up there. The accused were under the impression

that they were brought here as a part of the investigation and they would be interrogated and tortured here, too.

The next day, when they were produced before the DCP, he handover the accused some papers typed / written to sign on. One accused asked he be given the papers to read before signing on it. The DCP refused plainly and rebuked the ATS officers that they had not showed the "guest" (accused) their "hospitality" properly. If any of the accused protested, he was blackmailed and told that they had detained his wife and brothers in the other room. If he did not do as the ATS wished they would implicate their families, too, in some terror cases and the accused would not be able do anything about it. The ATS boasted: "This is not difficult for us and no power in the world would be able to stop us."

A man usually bears his pain in his soul, but when his family is tortured, when his womenfolk are threatened with rape, he gives up his fight and agrees to do anything and sign on any paper the police asks him to. This is exactly what happened with accused arrested in 1993 blasts, 1997 blasts, Gateway of India blast, Mulund blast and 7/11 bomb blasts case. Even the accused arrested in Malegaon Bomb Blast 2006 and Akshardham Mandir attack cases were made to confess in the same manner.

In this episode the ATS chief KP Raghuvanshi, Mumbai police commissioner AN Roy, director general of police PS Pasricha were hand in glove. But the most disheartening thing is that even the magistrates were also not acting impartially.

The magistrate's attitude

The ATS team took the accused from the DCP offices and headed for the magistrate's, whereas the law says that the investigating officers must not be involved in the procedure of recording confession. This task is to be performed by the local police. The accused were again not informed where they were being taken and why. On the way they were being threatened and told to keep quiet: "Now we are taking you somewhere and you must keep your mouths shut there. If you open your mouth, we'll take you to ATS lockup again and torture you. We will give electric shocks to your genitals. Some of the terrified accused kept mum, but others gathered courage and told the magistrate: "Sir, I am innocent. I do not know what is written in these papers. I was not allowed to read

them." The magistrate shrugged his shoulders and said: "I cannot do anything. These papers will reach the court and your advocate might be able to do something about this."

On return the ATS again tortured the accused for defying their orders and speaking against them before the magistrate. All the paper work was done without informing the accused. Documents were forged saying that the confessions were obtained in a clean and legal manner without any malpractice. However, some of the DCPs who pretended to have recorded the confessions were actually busy with their duty making security arrangements for the then prime minister Manmohan Singh's visit to Mumbai. Despite this, the confession statements were forged, submitted in the court and the accused were convicted on that basis.

Complaint in the special court against the fake confession

The ATS took special care to make sure that the accused did not get even a hint of what was happening to them and what this entire circus was all about. However, despite not having any legal knowledge the accused realised that this procedure was about recording their confessions. When the accused complained to the magistrate, he turned a deaf ear. He did not record their complaints. In fact, he wrote in his letter: "This is the confession by the accused so and so recorded by DCP so and so. It has been obtained following all legal procedures and the accused has no complaint against the police or the DCP. The accused does not desire to say anything more in this regard. Thus, the confession is forwarded as it is to the special court."

The accused had lost two good chances where they could have stopped these fake confessions from getting legitimised. Now they had no other way except to try their luck at the trial court. Therefore, they complained on their first production before the trial court that they had been tortured and forced to sign on the confessions they had never uttered. The court took the complaints on record.

Why the ATS did not force this writer to confess

The ATS deposed before the court: "Out of 13 accused only 12 of them had volunteered to confess. The last one did not wish to confess, thus none recorded from the 13th accused." The truth is the

ATS after detaining this author illegally for two long months falsely implicated him and pretended as if he was arrested in this case. This author had told the ATS very clearly: "No matter how much you torture me, I will not sign on any confession paper. Kill me if you want!" The ATS officers (Khanvalikar and others) then informed their higher officials that this particular accused knew what a confession was and how it was recorded. We would not have much success if we pressurise this accused to confess. The ATS after much thought dropped the idea of forging my confession.

Asif Khan: Why the ATS failed to obtain his confession

Asif Khan was taken to DCP Makrand Ranade to record his confession. ACP Patil had already forged a lengthy confession and forwarded it to the DCP. The DCP asked Asif Khan to sign the papers. Asif refused saying it was not a confession paper, it was his conviction paper. The DCP started beating Asif Khan. When even the torture could not budge him, they threatened to implicate his family in terror cases. The ATS lied to Asif Khan that they had detained his wife and brother in the lockup. They said: "If you do not sign now, we will arrest your wife and brother in this case." Asif Khan gave up the fight. He was helpless. He picked up the pen to sign on confession papers, but the thought that this mere signature would lead to serious consequences somehow stopped his hand. He put down the pen and once again refused to sign the papers. The ATS realised if a threat to his family could not break him, then nothing could. They thus sent him back without recording his confession. The huge and lengthy confession prepared could not be produced before the court because it had no value without the accused's signature. At last Asif courage won and the ATS's fake confession plan was foiled.

Fate favours the bold

Thanks to Asif's courage that he succeeded in evading a fake confession. This courage helped him in the further stages, too. After this incident, the ATS arrested nine innocent Muslims in 2006 Malegaon graveyard blasts. Two of the arrested were Asif Khan and Muhammad Ali Shaikh. The ATS was successful in obtaining

Ali's signatures on the confession in the 7/11 case after torturing him and threatening to implicate his family.

After arresting him in the Malegaon case, the ATS did the same to Ali and made him sign the confession papers again. But the same ATS did not approach or force Asif Khan to sign on the confession papers. Given their recent experience with him, they knew he was *unbreakable*. No threat would make him sign the confession papers. They spared themselves the trouble of wasting time on him.

In almost all cases of terrorism, the arrested accused is tortured, threatened and forced to sign on pre-written confession papers. So that if the fake witnesses fail to get the accused convicted, they could use confession papers to get the job done. These confession papers are prepared by the police themselves. The tone and style of the confession, the underlying emotions, the expressions, the choice of words and the general content is more or less the same in every confession. The gist of such confessions is produced here as an example so that you may know what a confession usually contains.

Sample of a confession

This confession is made by the accused _____ on date _____ before the DCP/SP according to the law. The accused is fully aware that the confession shall be produced in the court and used as evidence against him which may get him convicted to severe punishments. He dearly regrets his actions and understands the legal sensitivities completely. He, the accused, is recording his confessional statement out of his own desire in his own words as below:

My name is _____, born in _____ on _____. After my early schooling, I continued my studies at _____ college/university. I used to visit _____ Masjid/Madrasah to offer my prayers. There I met _____ and we became friends. He brainwashed me and asked me to do something big for Islam. I volunteered to do so, as I was shown the videos of Babri Masjid demolition and Gujarat riots. I went to Pakistan on his orders and received militant training there. There I was trained in bomb-making and using modern weapons. There, in the training camps held by Lashkar-e-Toiba and Jaish-e-Muhammad, some men in uniform used to visit us. These men were ISI officers. After training for a few days,

I returned home (India). Even after my return, I was in touch with Pakistani terrorists. They said: When the time is right, we will ask you to do something big for Islam. Then I continued to keep in touch with _____ and _____. One day I was told that I was supposed to make a terror attack at such and such a place. I was ready. I volunteered. I with other terrorists namely _____ committed this terror act (bomb blasts) etc. RDX was sent from Pakistan. Other weapons were procured from within India. We held conspiracy meetings at _____'s house. The meeting was attended by ____,_____,_____ and ____. We gathered in _____'s house to prepare bombs and make other preparations. After our terror act, we came to know from TV and newspapers that our attack had been successful. I came to know that one of our co-conspirators had been caught by the police. So, I hid myself at this place. Then, suddenly, one day police arrested me. I have deep regret for my actions. That is why I am making this confession.

This confessional statement was recorded from date _____, time ____ to date ___, time _____. I have read the confession/ the confessional statement has been read to me. I have found it in accordance with my narration. Thus, I am signing these confession papers.

Signature of the accused
Signature of the DCP
DCP's stamp
Letter by the Magistrate

Fake witnesses arranged according to the forged confession

We have already mentioned that a confession is nothing but a child of the police's evil mind and it has no connection with reality at all. Usually, after a crime such as a blast or any other terror act two situations arise for the police. Either the police fail to catch the actual culprit as in 7/11, or they try to save the actual culprit like they tried to save Sadhvi Pragya Singh Thakur and her group in 2006 Malegaon blast case. In both the scenarios, the *modus operandi* is to make innocent Muslim youth scapegoats. They are wrongly arrested, tortured and forced to sign on blank papers which are filled later and submitted to the court. Later fake witnesses are mobilised to suit the story according to the confession and chargesheet.

If the confession mentions that you used to visit a particular Masjid where you met your terror mentor, the police threaten someone from your family and friends and makes him give false witness that you used to visit the particular masjid and there you met the wanted accused. They used to talk about jihad and other things.

If the confessions reads that you had been to Pakistan, then they threaten one of your friends or relatives and make him give false statement that the accused had confessed before him to have visited Pakistan and having received weapons training in ISI-Laskhar training camps. If they have any Pakistani in their custody during this time, they make him tell a lie before the court that he had seen you in Pakistan at a Laskhar's training camp. For example, a Pakistani, Tafheem Akmal Hashmi, was made to give false witness in this case. But, thankfully, he did not tell a lie before the court despite threat and torture.

If the confession further says that you had conducted or attended a conspiracy meeting at a particular house, they make a friend or relative of yours say that you used to often visit the house and he saw that you had gathered your friends there and they were discussing and hatching a conspiracy. He would also falsely name men who allegedly attended the meeting and that they were reciting the Qur'an and taking oaths with their hands on it.

The police often turn one of your friends or relatives into a fake witness or they make one of their informers say: "Yes! I had been there coincidentally and saw there that some men were sitting together and assembling bombs." Or, that after the blast he saw the accused distributing sweets celebrating the success, saying all the credit went to their RDX. The police managed Amar Khan in this case and Ajmeri Muhammad Ali in Gateway of India blast case in a similar manner.

If the confession says the bombs were transferred from one place to another before planting, they turn one of their informers into a taxi driver and make him bear false witness that the accused had transported bombs in his taxi. The police managed two fake drivers in this case, namely, Santosh Kedar Singh and Rajesh Chandrakant Satpute.

Your fake confession further says that you had willingly handed over the remnants of the bomb-making material from a particular place in your house. So, they call their ever-lying *pancha*-witnesses

and prepare a *panchnama*, stating that as out of your own desire and direction the RDX, detonators, weapons, maps *etc.* were seized from a particular place. The ATS has managed dozens of such *pancha*-witnesses in this case. Thus, the fake confession attributed to an accused stands as a strong evidence against him in the court. Whatever shortcomings remain in the story, they are filled in by fake witnesses and *pancha*-witnesses. The judiciary, that is blindfolded and often acts blind in reality, places this forged confessional statement on one side of the balance with the fake witnesses and forged evidence. Nobody steps forward to bear witness in your favour. Even if anyone so desires, the police threaten him and make sure he does not reach the court. The balance ultimately weighs in favour of falsehood. The case goes in favour of the police and the public prosecutor. The blind judiciary ultimately, in the light of these so-called witnesses, and evidence passes its judgement and shunts innocents to the noose and gallows. This is the oft-repeated fate of the innocents wrongly arrested and implicated in terror cases. Be they the accused sentenced to death by the High Court in Akshardham Mandir attack or the sole accused arrested in German Bakery blast sentenced to hang "five times" till death, or the 12 innocents arrested in this 7/11 case and sentenced to death.

How to evade a forged confession

If you are innocent and arrested wrongly in a fake case, then you should know that all the draconian laws have been applied against you. No matter how much the police keep you uninformed, no matter how much they deceive you, if you wish to save yourself from the curse of fake confession, you must boldly bear all the torture and take these steps to save yourself:

1. After your arrest when you are produced before the court, or any officer or magistrate, you must tell them that you are innocent and you do not wish to confess anything.
2. As many times as you are produced before the court, you must repeat your statement of innocence and that you do not wish to confess anything.
3. Whenever you are put in a lockup and you are suddenly shifted to another lockup, then you must know that the police have started to forge your confession. This shifting to another

lockup is nothing but their pretending to show that they obtained your confession legally.

4. When you are produced before the judge for the first time, gather courage and tell him that you are innocent and you wish to inform him of something in writing. If your advocate stands for you and the judge allows you to submit your statement in writing, you must again declare your innocence and state clearly that you never made any confessional statement.
5. As soon as you are arrested, forget that you were ever literate and do not sign on any blank or written paper at any cost.
6. If the police force you to sign the papers, say that you will only sign in the presence of your lawyer and family members. The police will never allow this. If the police somehow manage to bring your family and the lawyer, and even if your family and the lawyer ask you to sign, so that the torture could stop, do not sign even then. Because your sign on the confession papers will harm you and your co-accused not those forcing you to sign.
7. During the drama of recording your confession, when you are produced before the magistrate, inform him that you have not confessed anything. On the contrary, ask him what is written in those papers? Ask him to read out the confessional statement to you. If he agrees to read the confessional statement to you, then as he goes on reading the contents of the confession go on denying each accusation made against you in that paper. Remember: It would be written in the confessional statement that your name is so and so. You must say it is wrong. No matter if your name is written correctly in it you still have to deny it. Because you have never mentioned your name as a part of confession before a DCP. Your mention of your name would arise only if you had confessed before him. But you have not at all confessed in the first place. So, your name written there is a lie.
8. Even if the police threaten you that they would illegally detain your family members, implicate the male members of your family in terror cases and harass your females, do not budge even then. Do not sign. The sole purpose of threatening you is to make you sign on the fake confessional statement. Never let them succeed in their evil plan. Even your family would never

wish to see you sentenced to a life term. So, bear the hardships patiently and never sign any confessional papers.

9. You have to patiently bear the torture. Remember, 30 days of torture or 30 years of imprisonment, the choice is yours.
10. No matter how much the police threaten or torture you, every time you are produced before the court repeat your statement of innocence and declare that you never expressed any desire to confess anything, yet the police tortured you and your family to obtain your signature on a readymade fake confession paper. Narrate everything the police did to you in detail. Remember even if you go on narrating for four long hours the magistrate, or the judge, is bound to record your statement word by word. If the judge refuses to record your statement verbally then submit your statement to him in writing.

Confession is conviction

Some people sign the confession papers just to escape the torture. Sometimes being unable to bear the pain or due to fear that the police may torture their family, they sign the confession papers. They think they can anyhow retract the statement later before the judge. Such things do not occur usually, unless the accused has some prior knowledge of the confession and its legal procedures. Remember! Once you sign the papers, the police create such situations that you will never be able to retract your confession. Be it a plain paper or something written on it, a single signature of yours on it grants it the status of a confessional statement and turns it into a strong evidence against you. It is not just a confession paper, it could be your death sentence.

In Arthur Road jail we met, the accused of 1993 Bomb blast case. They told us that none of them had made any confessional statement out of his own desire, but were forced to sign on the papers under fear and torture. Despite this, all of them were convicted with heavy sentences. The same is true about the accused arrested in Akshardham Mandir attack case. None of them ever confessed to have done anything. Yet, they were convicted on the basis of the signatures obtained forcefully on confession papers. They were at last acquitted by the Supreme Court. Nisaruddin Ahmad had to languish in jail for 23 years just because he signed

on a fake confession paper. It must therefore be very clear for us that a confession, even if false, is not just a confession but actually a justification for conviction.

Your signature can convict other innocents

Some may ask, what is the use of enduring the torture unnecessarily? The police will ultimately do whatever it has to. Why should our family suffer because of us? How can we see our women stripped before us? It is better to sign wherever the police ask you than see your dear ones humiliated and molested right in front of you. If this signature leads to conviction, then so be it. But the matter does not end there. This argument would have been considerable had the matter ended with your conviction alone. The police are too shrewd to let you alone after your signatures. No matter how many signatures you do to save them, they will anyways humiliate your family if they have resolved to do so.

You will be shocked to know that all accused in this case have gone through torture. They did sign each and every paper the ATS asked them to. Despite this, family of Shaikh brothers (Faisal Shaikh and Muzzammil Shaikh) were horribly harassed at the ATS office. Their sister-in-law's veil *(niqaab)* was snatched. Never had she taken it off before strangers, and their father was paraded naked before his sons. So, remove this thought from your mind that the police would leave your family alone after you sign the papers.

Your confession will not be used against you alone. It will also affect all other accused and those declared absconding in this case. It may lead to them being convicted to severe sentences. For example, if a 100 accused are arrested, and only one of them confesses according to the police story, it will ultimately implicate all of the remaining accused and lead to their conviction. Even if 50 out of 100 are absconding, whenever anyone of them is caught he will face the punishment due to one man's confession. Thus, many have to bear the brunt of one man's fault.

How would you prove that you never confessed?

When you are forced in police custody to sign on blank papers, you may not be having the faintest idea that these blank papers are your future confessional statements or *panchnamas,* or something

else. You realise later that the signatures that were taken from you forcefully were actually used against you and produced as your confession. There is no way to prove that this confession was forged and you were forced to sign on it. You cannot say that you were silent before the magistrate due to the fear of the police. There won't be any evidence or witness to prove that you refused to confess to anything at each and every level, such as before the DCP, in the lockup, before the magistrate and so on. No policeman will step forward to bear witness in your favour. They all are *brothers-in-crime*. They commit all transgressions of law and violations in mutual consent and cooperation. They consider it their duty to support fellow policemen, help them, even if they are on the wrong side. If a non-policeman stands against the fraternity, they are ought to oppose him to the end irrespective of whether he is on the side of truth. Police stations, lockups, detention rooms, the ATS, NIA, CBI, IB they are all filled with policemen of various orders. Who do you think would volunteer to stand for you? None! It is impossible to prove that the confession is not yours, or that it was imposed on you deceptively by forcing you to sign. So why must one let an impossible situation arise against himself? It is wise to not sign on any paper at all.

God forbid if you are falsely implicated in a case, just forget that you ever knew how to make a signature. Break your thumb if it comes to, but do not let your signature or thumb impression appear on any paper. Do not sign even if they say these are your bail or discharge papers. It is nothing but their deception. If they had to let you go, they would not have arrested you in the first place. They do not need your signatures to release you under section 169. They can simply file an affidavit/application in the court and release you.

The accused Asif Khan was presented with huge confession running into hundreds of pages. Asif denied to sign on those papers. It ultimately failed to be produced before the court. The only way to escape the curse of confession is to never sign on it. Make a strong resolve: You will die due to the pain of torture but you will never ever sign the confession alleging you of crimes you did not commit.

The curse of confession

The police will never inform you that these are fake confession papers attributed to you, so please sign them. They just order you to sign on some papers without any question. A tortured and frightened person signs on them to avoid further trouble. But this measure to avoid immediate trouble actually brings long-lasting hardship. Because the problem does not end with your signature it actually sets in motion a series of events that lead to your conviction. When the judge opens your confession and reads, it affects his mind adversely. His opinion regarding you changes drastically. The confession presents a sensationalising story narrating your alleged terror attacks. The judge starts looking at you with suspicion. The same confession is passed on to the media. The electronic and print media further demonise you, your family, Muslims and Islam. The masses start calling you a terrorist saying: "He has confessed his crimes. He does not deserve any sympathy. He must be hanged to death."

The most adverse effect of your signature is that it stalls your release on bail for ever. Whenever you claim your innocence and file a bail application in the court, the public prosecutor objects to it every time, quoting your so-called confession saying: "My lord! The accused has confessed to his crimes. How can such a hardcore criminal be released when his confession is produced before the court?" Consequently, the judge always rejects your bail plea. Even if you approach the Supreme Court, you will only face failure. This is why we say to sign on the confession papers is to let them imprison you for the rest of your life, or hang you. So, whoever despite being innocent, desires to be separated from his wife, children and family and to be thrown in jail for the rest of his life or be hanged may go ahead and sign the papers.

One might argue that recently many accused have been released on bail in terror cases. Let this be known to you that in almost all those cases either the accused did not make any confession, or sign on fake confession papers, or the police for some reason failed to obtain the confession. In Aurangabad arms haul case, the accused were released on bail as there was no confession. However, there are some cases where the accused were fortunate enough to be released on bail, even when there was a confession. But, the real reason behind this is that there were some serious loopholes in the

cases and fortunately a just judge was hearing them. However, in most cases the innocent accused are denied bail only due to the confession, regardless of the merit of its contents.

The high courts and the Supreme Court's stand on confession

The Supreme Court is clear regarding confession that according to the Constitution, "No individual shall be forced to confess against himself." But if an accused is repentant of his crimes and wants to confess to clear his conscience and to purify himself by undergoing punishment, there is nothing wrong in it. There is nothing in the law that can stop him from doing so. It is the accused's right and the Constitution does not deny him his right. There is only one condition, that the accused confesses out of his own desire and he be informed that he is in no way obliged to do so and that he should be warned of the consequences of his confession. He must be educated that his confession could be used against him and produced as evidence in the court, that it would not convict him alone, but other co-accused too. Despite this knowledge of confession if an accused expresses his desire to confess, then such a confession is acceptable.

The high courts and the Supreme Court of the country deliver their verdicts based on these confessions. The accused fails terribly in proving that the so-called confession is not his and that it is wrongly attributed to him through torture and deception. The high courts and the Supreme Court treat the DCP's statement on oath, the confession and other documents like divine testaments and convict the accused on their basis. Thus, many innocents accused are condemned to injustice at the hands of higher courts and thrown behind bars at the mercy of the government. Many innocents are thus treated like hardcore criminals due to the inadequacy of a blind judiciary. The 1993 Bombay blast accused Yakub Memon always had a word of regret on his tongue: "Had I not signed any paper during my police custody I would not have been doomed to this fate!"

So, shun this thought that you will sign now, escape torture and later retract your statement. Stop consoling yourself that if the session court has convicted you, the high court and Supreme Court shall definitely acquit you. The higher courts would seldom deviate from the sessions court's decision because they too shall deliver

their verdicts based on the same evidence and witnesses that have been taken on record. Would your signature vanish from the confession by the time your case reaches higher courts? No! Then why would you hope for a different verdict? All these thoughts are just false self-assurances, far removed from the reality. We shall further discuss the reality of our courts later.

How the police take undue advantage of your signature

As much as it harms you to sign on confession papers, it benefits the police and its various investigative agencies many times more. Let us see how the police take undue advantage of your one signature.

When an innocent is arrested, his family and friends make a hue and cry about it. They conduct press conferences, meet political and religious leaders and complain to human rights organisations, and so on. They make all efforts and keep repeating that he is innocent and the police have implicated him wrongly. But as soon as he signs those papers and the confession is out there in the public, the police use it to counter the family members' claim saying: "The accused has confessed his crime. Why would he confess if he was innocent?" All your relatives and friends are pushed into a defensive mode. The human rights organisations fall mum. Even your leaders stop raising voice.

The police breathe a huge sigh of relief with your signature saying something like: "Till now the world had been screaming that the police had arrested an innocent. But now all their mouths shall be shut with this confession. The accused won't be an accused anymore, he shall be declared a criminal now." Another benefit that the police take out of your confession is that they would not have to take pains to forge evidence and witnesses. The confession with your signatures on it is already a strong evidence against you. They just need to spice it up with evidence or witnesses and the conviction order can be obtained easily. Other than this, they use your confession to impose draconian laws like UAPA, MCOCA, Explosive Substances Act, Explosives Act *etc.* The police need to take permission from higher authorities in government to impose these laws on you. Only then can the case be initiated against you under that law. They just produce your confession before the higher officials or governments and say that you have confessed to

your horrible crime, the Act must be imposed on you and it is nothing but demand of justice. They thus appeal to higher authorities to grant them the permissions which is given to them immediately, unlike how government offices usual work. The police thus attach the letter of approval to the chargesheet and submits it in court.

The police even go a step ahead and use your confession against others accused in other cases. The ATS used the confession of an accused in Aurangabad arms haul case named Abdus Samad Shamsher Khan against another accused in a totally different case, the German Bakery bomb blast case, which led to death sentence for Himayat Baig.

Never confess on camera

When the police, or investigating officers, prepare a confession according to their convenience, they must make the accused to sign on it through threat and torture. Then they make the accused memorise the confession thoroughly and make him repeat his confession on a camera. The day when police wish to record your statement on camera, they bathe you, clothe you in new clothes so that no sign of torture is visible on you. They ask you to speak before the camera with calm and composure. If there is any sign of fear on your face, they turn the camera off and ask you to relax. They ask you to behave naturally so that it appears you are speaking without any fear. When they are done recording your confession, they sell the recording to the media for a price. The media telecast the confession in a sensationalising manner. The masses say: "Look at him! This is the same guy about whom people were shouting that he is innocent. Now he has confessed his crimes. He is saying they have done the blast! How can he be called innocent?" Even the family and friends of the accused are shown the recording and psychologically brainwashed: "Your son is indeed a terrorist! Why else would he confess all these things?

The police send this video of your confession to ministers, leaders, human rights organisations and silences them saying: "The men we have caught are actual terrorists, not innocents! Raising voice in their support is not just futile but also an act of obstructing the police from performing its duty. Supporting such people is

nothing but supporting terrorism." Hence, after seeing the video all the voices for justice become silent.

Your confession is not recorded on any hidden spy camera. It is a proper procedure of video recording by placing a camera before you. The innocent accused must try and spoil the police plan to implicate him. We know that the accused is in police custody and is under the fear of torture. One can understand the accused's state of mind, but remember the police will not kill you by torture. They will torture and threaten you, only to make you do whatever they ask you to. They will not torture you in a manner that the signs of it become visible on your face and body. So, endure all the pain and make sure that your fake confession is not recorded on camera.

In 7/11 case, the confessions of accused were video-recorded and the CDs were sold to media. The investigative officer Sadashiv Laxman Patil made a detailed CD of Muhammad Ali and Naveed Khan and sold it. Since the accused were ignorant about the happenings and under fear, they did not realise what was going on with them. But now we all know, they are condemned to death or life sentence. So never confess to anything, come what may.

Loopholes, blunders and similarities in the confessions of 7/11

Since all confessions of 7/11 were forged by the ATS, they were bound to have similar loopholes, blunders and deficiencies. Had these confessions been recorded by different DCPs at different police stations on different time and date, there would not have been such similar shortcomings. All these striking similarities scream that these confessions were forged by the same person. The accused say that the investigating officer, ACP Patil scripted all confessions and sent them to concerned DCPs on the orders of investigating officer Raghuvanshi and police commissioner AN Roy. The seven DCPs were ordered to sign the confessions and send them to court. They complied. Let us have a look at the shortcomings of these confessions.

1. According to the MCOCA, it is compulsory that the DCP/ACP attaches a certificate at the end of the confession. The act also has provided a sample copy of how the certificate looks. But in this case, the DCPs have failed to attach the certificate at the end of three confessions. Besides, the confessions that have certificates attached are not according to the MCOCA

guidelines. Some DCPs have invented their own versions of certificate. Even if this is considered, some other certificates are so strikingly similar so much so that they seem to have been scripted by the same person.

2. Almost all the accused in this case have completed their education majorly through Urdu medium. Even their mother tongue and their culture is rooted in Urdu. But when their confessions are read one would be amazed to see them using pure Hindi and Sanskrit words. All confessions are written in Hindi. Whereas the MCOCA says the confession must be according to the accused's desire and in his own language. This means the content of the confession must be the exact words uttered by the accused. If the accused uses a particular language such as English, Urdu, Hindi, Persian or any other language, they must be retained as it is and must not be changed. But when one reads the confessions of the 7/11 case, they are full of Hindi and Sanskrit words and almost bereft of Urdu. For example; *Pariwar (khandaan*–family*), sangathan (tanzeem*–organisation*), aayojit (intezaam*–organise*), sadasya (rukn*–member*), mukhyalaya (markaz*–head office*), binti (guzarish*–request*), pramukh (ehem*–important*), bhashan (taqreer*–speech*), purav (mashriq*–East*), pitaji (walid*–father*), yuvak (nau-jawan*—youth*), prabhavit (mutassir*–influenced*), prastav (peshkash*–proposal*), aadi (vaghairah*–etc.*), charcha (behes*–discussion*), aatankwaadi (dehshatgard*–terrorist*), chunav (intekhab*–election*), sahayata (madad*–help*), ichha (khawahish*–wish*), pachhim (maghrib*–West). We have quoted just a few examples. One will find many such words in these 11 confessions. These words are evidence that the eleven confessions are not the narrations of the innocent accused, but scripted by a fluent Hindi-speaking ACP Patil.
3. The law says the DCP/ACP must fully warn the accused of the consequences and when he is completely satisfied that the accused is still willing to confess and face all consequences, the DCP is supposed to declare his confidence in writing that the accused is still willing to confess. Only after this, the DCP is supposed to record the confession. Officially, it is pretended as if these 11 confessions have been recorded by seven DCPs at different times, places and locations. But practically they all

seem to have come from the same pen. A whole paragraph is same word by word in each confession.

4. None of the confession mentions that the accused are repentant of their actions and they are confessing to clear their conscience. Psychologically "no normal person usually speaks against himself. But here, the accused have no regret for their actions. Then why on earth did they confess their crime and create problems for themselves?
5. The accused were kept in police custody for two and a half months. But, none of their confessions was recorded under section 164. On the contrary, the confessions of two of the accused, who were to be discharged, were recorded under section 164. The accused Tafheem Akmal Hashmi was discharged from this case and later turned into a witness. Details have been mentioned in the first chapter. Similarly, the accused Sadiq Israr Shaikh was also discharged by the ATS. (We shall narrate the details in the forthcoming pages.) If both these accused can be discharged under section 164, why can't the confessions of 11 accused be recorded under the same? Why did they wait till the MCOCA was imposed on them? The answer is clear: None of the accused confessed his crime. The ATS had in store readymade confessions. They just patched them onto the accused once the MCOCA was imposed. It was not that easy to do so under section 164.
6. During the police custody, the accused Kamal Ansari, Faisal Shaikh, Muhammad Majid and Naveed Khan told the court that they were innocent. Later, in just a matter of few days, they changed their stand and admitted before the police that they were guilty and their confession be recorded. Yet, when the confession was recorded and the accused were again produced before the court, they changed their stand and told the court that they were innocent and they had not made any confession. These statements in the court earlier and later establish the falsehood of confession.
7. The ATS declared a few Pakistanis as "wanted accused" in this case. The names of the Pakistanis have been mentioned in a few of the confessions. Strangely, the names of these wanted Pakistanis are listed in all confessions in the same sequence, *i.e.*, Sabir, Abu Bakr, Qasim Ali, Ammu Jaan, Abu Hasan and Ehesanullah. It is but natural that when a person recollects

names, he does not follow a particular sequence. But, in this case it is not so. This particular sequence itself is a proof of the fact that a common matter was drafted by a single person and what followed next was nothing but copy-paste.

8. According to the law, when a confession is recorded, the ATS officer is supposed to enclose it in an envelope and seal it. The envelope is to be sealed only once, not twice, or more. Had a single DCP mentioned that he has sealed the envelope twice, one could have understood that there must have been some human error. But, if three DCPs seal the confession envelope twice, would it be considered an error? This blunder was committed in sealing confession envelopes of three accused, Muhammad Majid, Muhammad Ali and Muhammad Sajid. This proves that all DCPs simply copied the pre-drafted confessions and did not apply their mind. It further establishes that all confessions were scripted by the same scheming mind and the accused did not confess anything ever.
9. After the confession is recorded, the DCP is supposed to make a photocopy of the original. The original is sent to the court. The DCP then makes photocopy of the photocopy and sends it to the investigating officer. In this sequence, the accused is supposed to sign once the process of recording the confession is completed. This means all copies of confession, including the original, the photocopy and the photocopy of the photocopy, all carry the accused's signature. But, shockingly, the original copy of confession of Ehtesham Siddiqui sent to the court had his signature on it, but the copy that was obtained from the collector office Mumbai through RTI did not have any signature of the accused Ehtesham. This means this confession was originally forged at the ATS office, which did not carry the accused's signature. They then made a photocopy of the same and sent the original to the DCP where the accused was forcibly made to sign on it. This means the DCP did not bother to send a copy of the confession signed by the accused to the investigating officer as he knew they already had one, because they were the ones who sent it to him. But, he missed the point that the copy with the investigating officers does not have the accused's signature. This blunder was magnified when the investigating officers sent the photocopy without signature to the collector. This was in turn obtained through RTI by the accused. We have

already mentioned that the investigating officers have to obtain permission from the higher officers to impose acts like MCOCA. The accused were lucky enough to get this through RTI. This proves the confession was originally drafted at the ATS office. Despite this, the court's sentenced Ehtesham to death.

Two confessions were to be recorded on the same day. So, the ATS sent their forged script to the DCPs, but they forgot to attach the certificate of authentication supposed to be enclosed by the DCP. The ATS forgot to send them this certificate. Consequently, they too did not attach any certificate of authentication with it. The mistake was carried forward. This means the DCPs role was to just comply with whatever instructions the ATS sent them. The whole paperwork was done by the ATS. The DCPs obeyed ATS like robots without applying their mind. They did not even bother to confirm whether they had at least completed the legal procedure even for name sake.

All these points prove that these confessions were concocted, readymade, and presented before the court without following the legal procedure. The author of all these confessions was the same single person, *i.e.*, ATS officer Patil.

ATS sold self-prepared confession to the media

The ATS claimed that the accused Faisal Shaikh made his confession in front of the DCP Brijesh Singh on 6 October 2006. So, according to the rule, the official work of presenting the accused before a magistrate must have been completed on 7 October 2006. On 9 October 2006 the magistrate sent the copy of confession to the MCOCA court. The DCP was supposed to send the photocopy of confession to the investigating officers, only after the confession copy had reached the MCOCA court so that they could carry further investigation on the basis of it. Let us say the copy of confession reached the MCOCA court or the investigating officers by 9 October. From there this document must land into the hands of the media not before 10 October. So, in the sequence the news of Faisal's confession should appear in the media only after 10 October. As usual, this case does not cease to shock you with blunders by the police and investigating officers. Technically

speaking, the so-called confession of Faisal Shaikh was not even recorded, but it was already in the hands of the media on 6 October and its excerpts were published the very next day. Right now, this author has on his desk one of the leading news dailies *The Hindustan Times*, dated 7 November. It carries the news of Faisal Shaikh's supposed confession and its excerpts printed on the front page. Furthermore, the whole confession was printed on page 13. (Report by Abhishek Savan, *The Hindustan Times*, Mumbai, page 1 and 13, October 7, 2006).

How could this come to happen? How come confession, which was not even in existence, was out there in the media? It is quite clear that the confession was pre-fabricated by the ATS and the paper work was completed on 6 October, 2006, only for the namesake. Meanwhile, one of those ATS officers got greedy and sold it to the media. This is how the confession was in news even before it was recorded legally. Yet again our claim is substantiated that none of the accused did confess in reality. The truth is the ATS concocted the confessions according to their convenience and made the accused sign on them forcibly.

Chapter 3: Non-fiction

In this section we have simply reproduced narrations of all the accused in their own words regarding who they are? How they were falsely implicated? What happened with them in police custody? Why they were targeted? What is their opinion regarding this case? All these were narrated by the accused (except two of them) in detail under statements on oath, standing in the witness box before the special judge of MCOCA Court.

1. Exhibit No. 4000, 3795, 4143, 4083, 4172, 3933, 4260, 4150, 4152, 4268, 4279 statements of oath of accused no. 2 and accused no. 4-13.
2. Exhibit No. 2822 to 2834: statements on oath of accused #1-13.

We have omitted the gory details of torture from this section and have included there in a separate section on torture. Who better than the accused can narrate what they have been through? But the saddest part is when the accused were standing in the witness box and narrating their sufferings, the judge was saying: "I will have to write 11 novels." Meaning, he was unable to believe that the accused had actually gone through all that. He thought all those narrations were fictional. Actually, stories narrated by the ATS were fiction and each and every word of the accused was true. Unfortunately, the judge rejected all these narrations as false, believed the ATS fiction and convicted innocents.

Accused no. 1 : Kamal Ahmad Vakeel Ahmad Ansari

The ATS Mumbai has implicated me in a fake case. I would like to depose before the court that on 10 July 2006, I sent a religious message to my sister's husband Mumtaz Ahmad Choudhari in Mumbai. I sent the same message to my friend Badi-uz-Zaman's brother Qamar-uz-zama on his insistence. Little did I know that this message would turn my life into hell! On 11 July 2006 the serial blasts occurred and my brother-in-law and Qamar-uz-zama were picked up, *i.e.*, illegally detained.

They were beaten badly and questioned about the message. Mumtaz Ahmad Choudhari told the ATS that the message was sent to him by his brother-in-law, *i.e.*, me and gave them my address.

The ATS arrested (abducted) me on 19 July 2006 at 10:30 pm and took me to Patna. They did not find anything illegal at my house. They did not find any sort of black powder at my home. They recovered from me my mobile phone and my driving licence which I always carry with myself. There were 6-7 policemen who illegally arrested (abducted) me and took me to Patna in a Tata Sumo. Along with me another person Khalid Aziz Shaikh was also seated in the vehicle. At Patna airport I was blindfolded and taken to Mumbai by some plane.

From Mumbai airport I was taken to Chandan Chowki where I was subjected to third-degree torture. Then I was taken to Kalachowki ATS office where I was again beaten and thrashed terribly. I was shown some photos at Kalachowki. The ATS gave a fictitious story and asked to memorise it. They would then make me recite the story and record it on camera.

Your honour! I had been to meet my relatives in Nepal on 11 July 2006. The evidence of the same is in the form of entry in the register at the Nepal border. The details of the entry are:

Name: Kamal Ahmad,
Bike number: BR132 A 7773.
License number: 2044.
Name of the driver: Abdul Qayyum,
Border: Jatthi Lagma Phansar, Janakpur, Nepal.

Sir! On 10 July 2006, one of my nephews got married. I had sacrificed a goat on the occasion. The name of the butcher was Akhtar. and had distributed the meat among my Hindu and Muslim friends.

A lot of guests in the marriage interacted with me as they were related to me, too, and were very well familiar with me. Even on 11 July 2006, I was in my village Basopti and had been to Nepal for only about four hours to visit some of my relatives.

Your honour! I had never been to Mumbai ever in my life before. It was only the ATS that took me there for the first time under their illegal detention.

They subjected me to third-degree torture. When they did not find anything implicating against me, they started offering me huge amount of money and asked me to own their false accusation to further their fake case. They offered me four lakh rupees and asked me to turn an approver. When I turned down their offer, they made an offer to my co-accused and tempted them with the promise of a flat each and huge amounts of money. KP Raghuvanshi then started threatening us that they would implicate my family too in this case. This threat has been repeated constantly till date and the accused no. 2, Dr. Tanveer, and accused no. 6, Muhammad Ali have complained about the same.

Your honour! The ATS has done their every bit to make sure the truth is hidden. For example, they deliberately desisted from producing the call data record of my mobile number 9934610679 in the court. However, I have produced my call data and mobile location procured through RTI. I am depositing the same before the court. These are the evidence of my innocence and the proof of my presence in Baspoti on 11 July 2006.

Your honour! I do not know any of the accused of this case. The first time I ever saw any or all of these accused was only in ATS custody. I did not know their names nor addresses of any of them previously. The ATS used to show me their photos and enquire about them.

Your honour! I have not made any confessional statement. I was subjected to third-degree torture and forced to sign on blank papers. They forced me to say things I never did before the camera and recorded them. I was not taken through any Test Identification Parade (TIP). On 7 November 2006, I was taken out of my *Anda* cell at 1:30 and put back in at 1:50.

I was subjected to third-degree torture before the ATS and was forced to confess horrible and fake things before their higher officials such as AN Roy, KP Raghuvanshi, Bajaj Naval *etc*.... Things that I had never ever committed in my life... They used to write a fake story and ask me to memorise it. When I refused to do so, they tortured me horribly. I had complained regarding this in detail to the MCOCA special court on 9 November 2006.

On 15 October 2006, I also complained about all this verbally before the CMM of Qila court, SS Shirke. He said he would take all of this on record. Then my signatures were taken on some papers, the content of which I was not allowed to read.

On 9 October 2006, I had also complained verbally to the honourable judge MR Bhatkar, MCOCA special court, about the ATS subjecting me to third-degree torture and forcibly making me signature on blank papers. I had again complained about the same against the ATS on 9 November 2006.

Sir! I have never been to Pakistan in my life. The ATS has concocted a fictitious story to implicate me falsely in this case. They used to say, "we are under a lot of pressure to implicate you. That is why we are doing this."

Sir! I have submitted all the documents that I can gather to prove my innocence. This is all I have to submit, Sir.

17 July 2012

Signed: Kamal Ansari

Analysis of Kamal Ansari's submission

The accused Kamal Ansari repeatedly expressed his innocence. But the question is, why did the ATS catch a person far from Mumbai, in Bihar, and implicate him? The answer to this question lies in his submission: When the ATS failed to catch the real culprits, they were under tremendous pressure from the government and the masses. At last, when they failed and got very desperate, they, at the behest of their political masters, started implicating innocents to fake results before the government and masses.

The baloney over a religious SMS!

It is just a coincidence that Kamal sent a religious SMS to his relatives and friends from Nepal border one day before the serial train blasts occurred. In fact, it was not even a coincidence. It was something usual, because just like any other day, many may have sent many SMSs — text messages to their friends and relatives on that day, too. After the blasts when the ATS and other agencies were busy investigating the case, they found out that this particular message was sent to many people one day before the blasts occurred. It was a regular religious message. The ATS detained my brother-in-law, Mumtaz Chaudhari, another person Qamar-uz-Zama whom I had sent the message. They thrashed and tortured both of them and interrogated them about the message and asked them who sent them the message. They told the ATS that the

message was sent by Kamal, and the rest is history. Only the Lord Almighty knows what provoked the ATS to smell a conspiracy of seven serial bomb blasts in a normal religious SMS. They just kept torturing these three men and asked them to reveal the hidden message in the SMS and how it was related to 7/11. The ATS was seeking to decode the SMS whereas the fact was that there was none hidden.

After we all were sent to Arthur Road jail, one day out of curiosity I asked Kamal Ansari: "What on earth was the content of the message?" He told me that it I was a *du'a* (prayer) he had received on his mobile just like any other regular SMS. He liked its words and forwarded the same *du'a* to others. The words of the *du'a* in Urdu were: *"Allah aapko Hazrat Ayyub (A.S.) jaisa sabr 'ata kare! Allah aapko Hazrat Yusuf (A.S.) jaisa husn 'ata kare! Allah aapko Hazrat Ibrahim (A.S.) jaisa eemaan naseeb kare! Allah aapko Hazrat Ismail (A.S.) jaisa ita'at guzaar jaisa beta 'ata kare! Allah aapko Hazrat Muhammad (S.A.W.) jaisa kirdaar 'ata kare! (Aameen)"*.

Translation: "May Allah bless you with the patience of Prophet Ayyub (Peace be upon him), May Allah bless you with the beauty of Prophet Yusuf (PBUH), May Allah bless you with the faith of Prophet Ibrahim (PBUH), May Allah bless you with the obedience of Prophet Ismail (PBUH). May Allah bless you with the character of Prophet Muhammad (Peace be upon him). (Aameen)."

When the police, despite severe torture and interrogation, realised that there was no message hidden in the SMS, they did not let Kamal Ansari go. Because they were stuck in their own (false) claim that they had recovered black powder from his residence. However, the ATS discharged Mumtaz Choudhari and Khalid Shaikh. Similarly, the ATS discharged Tafheem Akmal Hashmi, too. But the difference is they called Tafheem for witness, where as they did not summon Mumtaz and Khalid for the same. Kamal was arrested on the basis of mere one text message. But, even after the ground of their suspicion was removed, they did not let him go free.

No black powder was recovered from Kamal's residence

The ATS claims: The day Kamal was arrested, his residence was searched according to the instructions of the Supreme Court. They

had recovered some black powder from a black bag kept under a table in one of his rooms. The police questioned Kamal regarding the powder, but he was unable to give a satisfactory answer. Consequently, the ATS seized that powder and brought it to Mumbai. On investigation it was revealed that it was RDX and that Kamal had procured and hidden it as a part of 7/11 blasts conspiracy. The case of RDX recovery was registered in Madhubani court (Bihar). Later, an application was filed in the Supreme Court and the Mabhubani case was clubbed with the Mumbai 7/11 case. One can clearly notice the Supreme Court's approach in this matter. There must have been many cases in a queue: many approaching for bail, many cases of conviction pending *etc.*, but the apex court had no time for them. On the contrary, when the police approached them with our matter, they set aside all other matters, attended to this case immediately and ruled in favour of the police. Neither the accused was informed about the matter nor his advocate before passing the order. When ATS approached the Supreme Court requesting them to club both the cases, the Supreme Court did not even ask the defending lawyers about their version, nor did even send a notice informing them of the matter. They just passed their order in favour of the ATS.

However, a question yet remains unanswered. Was there actually any case of RDX? If yes, how come some amount of RDX remained after seven high intensity serial blasts? Even if it did remain, why would a criminal store the material at his home? Especially after he has committed such a horrible act? The reality is, no RDX was recovered from the accused Kamal's residence. Whenever ATS wants, it can plant and recover RDX at any one's home. We will discuss this later.

Where was Kamal at the time of the blasts

The ATS claims that Kamal was present in Mumbai on 11 July 2006, the day of blasts and he had planted a black bag containing the bomb in one of the trains that caused the explosion at Matunga. But the truth is Kamal was not at all in Mumbai on 11 July 2006. He was in Madhubani (Bihar) and had been to Nepal for some time. There are two evidence to prove this fact: 1) Call

data record of Kamal's mobile phone, 2) Register entries and other documents from the Nepal border.

Call data record of Kamal's mobile

The ATS knew right from the beginning that they were failing to catch the real culprits. That is exactly why they started arresting innocents. When they retrieved CDR and locations of each arrested accused's mobile, they realised none of them were involved in the blasts. Despite this, the ATS, out of over-confidence, went a step ahead and not only accused the innocents of presence in Mumbai, but actually planted bombs with their own hands in local trains. The ATS was completely sure that the court would never ask for CDRs and mobile locations. They were confident that the court always sided with the police.

Thank Lord Almighty for the RTI that Kamal's CDR and mobile location was procured. The data show that Kamal was in Madhubani, Bihar, and Baspoti, Nepal, on 11 July 2006, that he was sending and receiving messages from his mobile. How on earth is it possible that a person is present at two places hundreds of miles apart on the same date and same time? This is simply impossible.

CDRs are treated as authentic and admissible evidence in court. If the CDR is true, it means the ATS story that Kamal was in Mumbai and planted bomb is false. It proves that Kamal is innocent. It is unfortunate that the court did not accept this evidence and handed capital punishment.

Kamal's presence in Nepal confirmed

Kamal told the ATS that he had been to Nepal for a marriage on 10 July 2006 and had been to meet his relative on 11 July 2006. He had entered his name and the vehicle number at the border. It means this tour of Kamal to Nepal was totally legal. He did not hide his identity nor enter a fake name in the border register. The ATS knew this very well. They had also asked the Indian police and other officials at the border not to give the data to the accused at any cost. The accused failed in all his attempts to procure the register entries and prove his innocence. However, a news channel named United News somehow accessed the data and made it public. The channel demolished the ATS story and argued that the

data proved Kamal's presence in Nepal on the day of the blast. The accused procured the same documents from the news channel and submitted them in the court. A reporter, Gunjan Kumar, investigated the case, prepared a report and sent it to the news channel *Aaj Tak*. Unfortunately, under the pressure of Raghuvanshi and NIA, the channel did not telecast the news. At last, Gunjan Kumar published his report on the internet under the name of United News. He is currently working for *Amar Ujala* in Delhi. He is writing a book on 7/11 train blasts.

How the police / prosecution corrects their mistakes

At first the ATS seized mobile phones of all accused, and when found nothing supporting their case (in fact, it contradicted the ATS story) they concealed the CDRs and mobile locations. But, after much ado when the accused were successful in presenting the same data before the court the public prosecutor started arguing that the mobile phone was not a part of accused's body. They argued it is not necessary that the mobile phone must always remain with a person all the time. But they could not bring forth even a single witness who would confirm that such and such a person was carrying and operating the accused's mobile on the day of the blasts.

When the ATS realised their mistake, they made sure they did not repeat it in the next case. In the German Bakery case, they arrested Mirza Himayat Baig, whereas he was in some other city at the time of the blast. So, the ATS brought forth a fake witness and forced him to testify that Mirza had given him his mobile and had asked him to make and receive calls. In this case, even if the ATS themselves produced the CDR and mobile location of the accused, it won't be a problem for them.

It is clearly evident how ATS is implicating innocent Muslim youth in false cases. They are also learning from their mistakes and improving, making the cases further fool-proof so the innocent accused are not released at any cost. On the other hand, the plain-minded Muslims never bother to learn a lesson from these false implications. They do not take precautions to make sure no other youth from them is wrongly arrested. We do not even try to find out the mistakes these youth committed in defending their false

implication so that no other youth is implicated in the future similarly.

Kamal Ansari's confession

Kamal is an undereducated person. He was not told till the end that his signatures had been taken on false confession papers. He realised his false implication only when he was finally presented before the magistrate in the Qila court. Kamal began to weep profusely and implored the magistrate that he was innocent. When the magistrate took out the confession from the envelop and read it to Kamal, he denied each and every allegation outright and informed the court that he was not in Mumbai, but in Madhubani (Bihar) and Nepal when 7/11 happened. Accordingly, the magistrate struck out the false part of the confession and forwarded it to MCOCA court.

The chief metropolitan magistrate SS Shirke read out Kamal's so-called confession to him and he denied it. The magistrate omitted the false part from the papers. When the ATS learnt about this development they sent one of their officers, Vasant Tajne, to the magistrate. The officer was efficient in the art of manipulation, and successfully managed to make the magistrate take the ATS side. Consequently, magistrate Shirke did not read out their confession to the following six accused persons. Even when they pleaded innocence, he just ignored their voices and did not do what he should have done.

Magistrate for sale

If you are rich and influential enough, you can even buy a magistrate. The police enjoy both the luxuries. Thus, they easily "manage" magistrates and get a decision of their desire passed by the court. I am not making this claim out of nothing. It is an observation made after witnessing the behaviours of various judges all these years. After Kamal's confession episode with Shirke, officer Tanje used to often roam around the Qila court. We produced Tanje's official vehicle's log-book in the court which proves that he had been to meet magistrate Shirke. For sure, one out of the two following scenarios must have developed:

First the ATS must have bribed the magistrate and told him: "Sir! you opened the confession and read it out to the accused and he denied it completely. We still have 10-12 such accused to send to you. If you keep on reading out the confession and the accused keep denying them, this case will easily slip out of our hands. It will totally sabotage our reputation. It is better you ignore the call of your conscience and not read out the confession to any of the accused we shall produce henceforth. It is better you simply forward the envelop to the MCOCA court assuming that everything is alright."

The other scenario that must have developed is: The ATS officers approach the magistrate and say: "Sir! These are hardcore terrorists. They are very well-trained in pretending innocent. They follow the Al-Qaida manual. They confess one thing before the investigating officers and deny it the moment they face the magistrate. If you read them out their confessions, they will deny it, get released on bail and again commit the same serial blasts in the country. If they are let go, they will declare a war against the country. It is in the best interests of the nation that these terrorists are not heard and their envelopes are not opened at all." Or, something to the effect.

Thus, the magistrate must have authenticated the confession without any confirmation from the accused persons.

Accused no. 2 : Dr. Tanveer Ahmed Muhammad Ibrahim Ansari

Accused no. 2 submitted the following details with all due respect to the MCOCA special court and gave the statement of oath standing in the witness box which was later cross-examined by the public prosecutor. First, we present here the accused's statement as submitted:

Before the blasts in Western Railways during July 2006, I used to stay at Mominpura along with my family, *i.e.*, wife, parents and sister (Tanveer's mother and

sister are no more). I did not know any of the accused before being implicated in this case. Neither did I ever meet them personally, nor was told about them by anyone I knew, except accused no. 4 Ehtesham, who is my co-accused in 2001 SIMI case. It was a fake case in which I was implicated by the Kurla police. (In 2015, the case ended with acquittal of Dr. Tanveer.)

My mobile is always with me

During July 2006, I had a mobile which was registered in my name. It was an MTNL number, 9869320457. I used this number for my official and family purposes to contact my relatives, friends and my fellow doctors at the hospital. I always used to carry it with me. It is my duty to get appropriate medical treatment of patients and in time. That is why even after my duty, I used to keep my mobile on, so that my doctor colleagues and staff could contact me whenever they needed.

Education

I completed my Bachelor of Unani Medicine & Surgery (BUMS) degree in 1998 from Nagpur. When I was implicated in this case and jailed, I used the distance education facility and achieved my post-graduate diploma in disaster management in 2012 from Indira Gandhi National Open University (IGNOU).

Job

As a routine, every day I would reach Saboo Siddique hospital at 11:30 am and I used to work there late till 11:00 pm. Like all others, I too, used to register my presence through punching in the biometric attendance unit. Other than this there was also a register in which our presence was recorded in writing by the security staff. Every month the hospital would pay me my salary through my account at Kokan Mercantile Bank. I used to take my weekly off on Friday so I could offer my *Juma* (Friday afternoon) prayer properly.

Evidence of my presence on duty

During 8, 9 and 10 July 2006, I was busy with my usual routine of going to the Saboo Siddique hospital and taking care of patients the

whole day. I always kept my mobile phone with me. I never visited Shivaji Nagar Govandi nor had I ever known accused no. 4's residence. All these three days I performed my duty at the hospital and I wrote prescriptions to the patients as and when needed. I have submitted in the court the attendance register, biometric register and treatment charts mentioning the details of treatment I prescribed to the patients. I worked for 19 days regularly in July and I was paid the salary of this month. I have submitted my salary slip to the court.

During 2001 in Bhuj, Gujarat earthquakes, I had worked with an NGO, Crescent, for medical aid and rehabilitation of the affected. During 2005, I used to work for both Saboo Siddique and Prince Ali Khan hospitals. In June 2005, I had taken a leave of one month for my wedding. In 2001, I went to meet a doctor friend of mine at a nursing home in Kurla. Since he was busy, I went to a nearby library and started reading a newspaper. After some time, suddenly the police appeared there and took me to the police station. There I was implicated in a fake case accusing me of being a SIMI member. Another person named Ehtesham was also implicated along with me. We were later released on bail and, forced by the conditions, we used to meet each other during our appearances at the court. That is how we came to know each other. After this SIMI case, problems started mounting against me. Whenever there would be a high alert in the country, or terror attack, or a threat, or a communal riot, the Agripada police and the crime branch would barge into my home, take me to the police station and harass me endlessly.

Where was Tanveer on the day of the blasts?

On 11 July 2006, I was in Saboo Siddique Hospital from morning till evening performing my duties as usual. In the evening, I came to know that there had been serial blasts in local trains. I was saddened by the news. I immediately called my home, informed them that I was well and I returned home after my duty.

I want to make it clear that from January 2006 to July 2006, I never went to Perry Cross Road, Carter Road, Bandra West. I did not know accused no. 3, Faisal Shaikh, nor did I know the address of his residence, nor ever visited his house. I met Faisal for the first

time in my life in police lockup, when the crime branch detained me illegally from 20 to 27 July 2006 at Saat Rasta post unit II.

Attendance at police station

After the blasts the police officers from Agripada kept visiting my home on 17 July 2006 and collecting information about me. On 17 July 2006, they visited my home, enquired from my father about me. On the same day police officer Bhasode and constable Jagtab visited me at Saboo Siddique hospital and asked me to accompany him to the police station. I said I was on duty here and if I left during my duty hours, I might lose my job. I said I would take leave of a day and visit the station. The next day, on 18 July 2006, I went to the police station. I was interrogated thoroughly and let go a few hours after recording my statement. They cautioned that they would ask me to visit again as and when the need arose. I have also submitted the Agripada police station diary to the court to substantiate my claim.

A religious visit to Iran

I am a Muslim and try my best to follow the teachings of our Prophet Muhammad (PBUH). I ardently practise *namaz, roza, ziyarat-e-quboor* (visiting the graves of the religious or family elders to seek blessings and send prayers on them), and other religious duties. It is my earnest desire to visit Prophet Muhammad's (PBUH) grave and also the graves of his descendants. In 2003, I participated in a cultural programme at the Iranian Cultural House. There I saw a film about the tombs of the descendants of our beloved Prophet Muhammad (PBUH) and I developed a desire to visit them. I fulfilled my desire by having the privilege of visiting these holy tombs in 2004. I took up the whole journey from Mumbai to Tehran and back legally through Iran Airways. The court already has my passport in their possession which proves that I had taken a journey to Iran to visit holy tombs.

On 20 July 2006 at 7:30 pm in the evening while I was performing my duties, some policemen came and forcibly took me to the Byculla crime branch unit III. There I was tortured. Police officers Azam Patel and Shastri thrashed me even in the hospital and also tortured me in the lockup. I was asked irrelevant questions during my illegal detention. I told them I did not know

anything and I was innocent. Later, Officer Hargude came to me and started asking who did 7/11 blasts? I said I did not know. He then started torturing me.

Officer Hargude then took me to unit II, crime branch, Jacob Circle. There Meeran Bonwonkar interrogated me about the blasts. I told her that I was innocent and I did not know anything about it.

Commissioner's green signal to falsely implicate me

In the late hours of 22 July 2006, officer Hargude took me to the Nagpada. Three men were already detained there. Later I learnt their names. One of them was Muhammad Faisal, accused no. 3 of this case. Another was Feroz Deshmukh, the Aurangabad arms haul case 2006 accused. The police commissioner, AN Roy, arrived there and started questioning me about the blasts. Once again, I expressed my ignorance and innocence. He tortured me badly and ordered other officers to arrest me in the 7/11 case. ATS chief KP Raghuvanshi also was present there at that time. Hargude then took me to unit II, tortured me till 24 July 2006. Throughout the time I was neither produced before the court nor allowed to meet my family.

Produced before the magistrate

On the night of 24 July, I was suddenly taken out of unit II and taken to ATS lockup, Kalachowki. I later came to know the names of the officers who took me to Kalachowki as B. Rathod, RR Joshi and ACP Kishan Shenghal (investigating officer of the 2006 Malegaon graveyard blasts case). There were 3-4 constables accompanying them. There I was terribly tortured the whole night and threatened that if I ever spoke of this torture to anyone, they would torture me more. The next morning, I was produced in the Mazgaon court.

Arrested under 7/11 case

I was threatened again outside the court that if I mentioned the torture before the court, they would torture me again, or kill me in a fake encounter and torture my family. I was produced before the judge in a veil on my face and I was made to stand far away from the judge so that he did not notice the marks of torture on my face.

The ATS officers indulged in conversation with the judge. The judge then asked me if I had to say something. I somehow mustered courage and told the magistrate that I did not know why and under what allegations I was arrested. The constable standing behind me pressed my arm with such force that I was intimidated and fell silent again. The judge sent me in police custody for 14 days. The police did not inform my family about my arrest, nor did they get me an advocate. There was nobody to defend me. Then I was taken to Kalachowki and again tortured badly. Various police officers interrogated me repeatedly. I was then shifted to Bhoiwada lockup. They were insistent on only one thing, that I should sign on some papers which I won't be allowed to read. All I could see was that there was something written on them in Hindi and Marathi.

Search: The police at my home

On 26 July 2006, suddenly Arjun Gaikwad and other officers took me to my home. The police officers started misbehaving with my family and started using abusive words. They said they were there to search the house. They started throwing everything hither and thither. But they did not find anything illegal at my house. They then threatened my family not to complain about this search to anyone. They asked my brother and my father to visit the police station. At that moment, no *panchanama* was prepared, nor was there any *pancha*-witness. Then I was brought to the Kalachowki police station. My father and my brother kept visiting Bhoiwada and Kalachowki stations according to the ATS's instructions. During their visits, officer Kolhatkar thrashed my brother before me and threatened that if he complained about their illegal search operation at my house, they would implicate him too in the blast case. I was forced to sign on many plain and written papers. Later the ATS drafted a fake *panchnama* of their search at my house. Shridhar, the *pancha,* who signed the fake *panchanama* is their regular *pancha*. I found out through RTI that he had worked as a *pancha* in various cases. I also submitted the RTI query replies to the court.

Search at my brother's residence

On 1 August 2006, the police took me to my brother's residence. They did not find anything at his home, nor was there any *pancha*

present along with them. The police did not prepare any *panchnama* at that moment. They later drafted a fake *panchnama* and mentioned that a Mumbai map and a world map, along with some SIMI literature, had been seized from his residence. The fake *pancha,* Rohit Shahshikant Varang, had signed the papers. This person too is a regular stooge of ATS who works as a *pancha* for them when needed. The documents proving this have been submitted before the court.

We did not cause the blast

On 2 August 2006 I was taken out of the Bhoiwada lockup and taken to the upper floor. Accused no. 3, 9, 10 and 11 were already brought there; namely, Faisal, Muzzammil, Suhail and Zameer. ATS officers Jai Jeet Singh, Naval Bajaj, Shenghal, Arjun Gaikwad, Baudhankar, Wadhankar, Joshi, Police Commissioner AN Roy and some *hawaldars* (police constables) were present there. They tortured us terribly and kept us asking only one question: "Who did the 7/11 blasts?" We kept repeating that we did not know anything about it.

"Yes, you are innocent!"

During August 2006 DCP Naval Bajaj summoned me to the Kalachowki police station. He took me to the torture room and showed me many photos and asked me whether I knew them. There he told me he knew I was innocent, but they were unable to find the real culprits. He made me an offer, that if I helped them with this case, they would soon release me from it. He also mentioned to me my wife's first pregnancy to persuade me. I was unable to give him any answer due to fear.

Fake recovery

On 12 August 2006, ATS officers Rathod and Wadhankar took me to Mumbai Central Railway police station. They made me sit in the vehicle outside the station and went in. They had a plastic bag with them. When they went into the station the bag was empty, but when they returned it was filled. They then took me to Saboo Siddique hospital. On the way they showed me my wallet that the crime branch men had snatched from me during my illegal

detention. They took out a key from my wallet. It was the key to my locker. They reached the hospital, opened my locker and started searching for things in it. They did not find anything illegal. They still had with hem that plastic bag filled with something. No *panchanama* was drafted at that time, nor was there any *pancha* present. A fake *panchanama* was later drafted that was signed by one of their regular fake *panchas* named Chandrakanth Shegwan. It was on the basis of this fake *panchanama* that the ATS later claimed that bottles of some chemicals were recovered from my locker.

Encounter specialist Vijay Salaskar tortures me

On 13 August 2006, I was taken to Vijay Salaskar's office, anti-robbery cell, Kurla, and I was kept their till 15 August 2006. I had read in newspapers that Salaskar was an expert in encounters. I was sent there to be tortured and pressurised. Officers Dalwi, Alakhure and Phadke tortured me badly and kept interrogating me about the blast. I had only one answer. The true answer: "I don't know!" Accused no. 3 Faisal, accused no. 9 Muzzammil and the fake witness Abdur Rehman Dawre were already present there. Salaskar questioned me in detail. He questioned me thoroughly about each incoming and outgoing call on my mobile number. During these days they used to take me to Bhabha hospital but no doctor ever attended to me, or performed my checkup. They then took me to Bhoiwada lockup and took my signatures forcefully on some blank papers. They also made me sign on some written papers on which they later entered a previous date.

ATS concealed my CDR

The police snatched away my mobile phone on 20 July 2006, but for the record they narrated a fake story that they had seized it from my brother on 16 August 2006. When I enquired through RTI about my mobile number, I came to know that it was recharged on 14 October 2006 and it was disconnected on 11 February 2007. It means my mobile number was used by the ATS for seven whole months even after my arrest. Yet, they lied to the court that they had seized it from my brother. The ATS had the CDR of my mobile phone, yet they did not produce it in the court. When

I asked for my CDR and location under RTI, the ATS pressurised the MTNL not to provide me my data at all.

Videography of my confession

The ATS officer Sachin Kadam kept torturing me terribly in the police custody. He was filled with hate and contempt for Muslims. He kept spewing venom against Islam and Muslims the whole time. One day he gave me some papers written in Hindi and asked me to memorise them so that he could make an audio-video recording of my statement. He asked me to recite the whole writing in a natural manner so that it appeared like my confession made without any pressure. When I read the papers, I realised the entire narration was false and was in no way related to me. It was written in it that I had been to Pakistan, where I underwent arms training, learnt how to make bombs, that I was related to Lashkar-e-Toiba and that I was involved in conspiracy of 7/11 blasts. When I refused to read the fake confession before the camera, I was subjected to a series of third-degree torture sessions. There came a point where I was unable to stand the torture anymore. Thus, I did as they said and my so-called confession was recorded before the camera. They told me there should be no sign of fear or apprehension on my face and asked me to record the confession with a smiling face. Had I protested or refused during the confession, they would have started to torture me again. They told me that they would send this confession to RR Patil, Shivraj Patil and other ministers. I declare it clearly that I did not make that "confession" out of my own desire.

Narco test and my complaint

On 13 August 2006, ATS officer Vijay Kadam took me into police custody through the court. He forcibly made me sign a blank paper. He took permission from the court to perform my narco test, lie detector test and polygraph test against my desire. On 2 September 2006, my father came to Bhoiwada lockup. I told him that the ATS was preparing to perform my narco test in Bengaluru against my wish. My father immediately complained about this to the Prime Minister, the chief minister of Maharashtra, home minster, chief justice of the high court, chief metropolitan Magistrate and ATS chief Raghuvanshi through telegram. He wrote that his son was innocent and he was being implicated

falsely, and so on. I submitted photocopies copies of the same to the court.

Criminal case against inefficient Doctor Malini

The ATS Officers Patil and Sachin Kadam took me and accused no. 1, Kamal Ansari, to Bengaluru on 3 September 2006. In Bengaluru we were locked up in a crime branch office without food and water. Later, I was subjected to narco test at Lady Curzon and Bovine hospital by Dr. S. Malini. I was unconscious the whole time. When I regained my consciousness, I was feeling very weak. The police brought us back to Mumbai and again our custody was extended on a false basis that some imagined "newer" information had come to the surface. On 7 September 2006, the accused no. 1 and me were again taken to Bengaluru for narco test, but no test was performed this time. We were brought back to Mumbai by bus.

I had complained about these narco tests at the MCOCA court on 3 November 2006. Dr. Malini, the lady who performed our narco, was totally inefficient. She had submitted a bogus certificate to get the post at the hospital. A case of fraud and forgery has been registered against her in Bengaluru. I have submitted all the related documents to the court.

Tempted to turn me approver

On 10 September 2006, the ATS took me to the Kalachowki torture room. DCP Naval Bajaj was already present there. He made me an offer that if I turned approver, I would be paid Rs 25 lakh and released within a year. I straight away rejected the offer because I was not at all involved in the 7/11 blasts. He then took me to ATS headquarters at Nagpada. AN Roy, Raghuvanshi, SL Patil and Jai Jeet Singh were present there. They told me they had seen the recording of my narco test and found nothing. They knew that I was innocent, but they were unable to find the real culprits of 7/11 blasts. They also told me they were under tremendous pressure from the government and the masses. "Thus," they said, "we are constrained to keep you in custody so that the masses and the government are made to believe that we are investigating the case."

On 25 December 2006, for the first time I was produced before the MCOCA special court. ACP SL Patil and police inspector Khandekar threatened me to keep quiet in the court room. I was intimidated and thus said nothing in the court. Then again, my custody was extended. (No advocate was present to defend the accused.)

"Please lie for us, Doctor"

On 1 October 2006, ACP Patil took me to Raghuvanshi, who sent everyone out of the room and it was only him and me having a conversation. He offered me dry fruits to soften me. He again told me he knew that I was not at all involved in this case. He said if I turned into an approver, he would take me out of this case. He kept asking me to lie for their sake. I was fearful and I could not give him any answer. He took my silence as a "yes" and phoned Naval Bajaj and said "Doctor has agreed to turn approver for us."

Magistrate's apathy

On 11 October 2006, I was taken out of Azad Maidan police station lockup. It is located on the ground floor of Qila court. ATS men were already present there. They started threatening me continuously to do as they said: "Speak only as much as you are told and not anything more." They took me to the second floor of the building. Even before I entered the court room, ATS officer Khandekar yet again threatened me. I was then taken to chief metropolitan magistrate SS Shirke's chambers. The police handed over some closed envelopes to the magistrate. The magistrate took a look at me but did not ask me anything. I, however, mustered some courage and started telling him:

> Sir! I am innocent. Two days ago, I was taken to DCP Mohite where my signatures were taken forcibly on some blank papers. I was again forced to sign the next day on some written papers. They tortured and threatened me before they took my signatures. I have not at all made any confession out of my own desire. The so-called confession papers produced before you are not mine. I don't know who has written them. I was forced to sign them.

The chief metropolitan magistrate said: "Other than blasts you are also accused of murder!" I said: "I am innocent. The ATS has falsely implicated me and I have not committed any crime."

The magistrate then opened the envelope and started reading it out to me. He did not take down even a single word of what I said, nor did he take my signature. I then started crying and the magistrate sent me out of the chambers saying I would be called after sometime to take my signature. I complied and waited outside the chambers for quite a long time, but the magistrate did not summon me again into his chamber. Later, I was taken to Bhoiwada and locked up.

As soon as we reached Bhoiwada Khandekar told ACP Patil that I had reverted from my confession. Patil was enraged at hearing this. He then tortured me again badly. When he was done and tired with his torture, he told me: "It does not matter if you revert from your confession. We have bought all the judges and magistrates deciding this case!"

I was then produced before AN Roy, Raghuvanshi and Jai Jeet Singh. They told me they were bothered by the application filed in the high court by my advocate. They threatened me to ask my advocate to retract the application. They said we won't be able to harm them, because they could keep me in custody for as long as they wanted. I then realised they might have really bought the judges.

As far as the DCP, ATS officers and other policemen were concerned, the witnesses and statements made before the court were all false and done to help their fraternity.

On 14 October 2006, Police Inspector Khandekar and his staff took me from Bhoiwada lockup to the DCP office at Crawford Market. Khandekar again threatened: "Don't talk much and sign when you are asked to!" But, DCP Sanjay Mohite was not at the office. I came to know that he had gone out for security arrangements at some other place. I was made to wait there for seven long hours. Finally, he arrived late in the evening. He asked me nothing except my name and address. After that the ATS officers again took my signature on some blank papers forcibly. Then I was taken to Azad Maidan lockup. I was observing fast that day as a part of my religious practice. I was not given even a drop of water for *iftaar,* to break my fast. They did not even let me offer

my *Maghrib* (sunset) prayers. They were always near or around me like shadows. They did not take me to any hospital for checkup.

On 15 October 2006, I was again taken to the DCP office in the evening hours. On the way, the whole time, the ATS constantly kept threatening me. On reaching there they found that the DCP was not at the office. The ATS men asked where the DCP was. They were told that he had gone out to make security arrangements for Prime Minister Manmohan Singh, who was on a visit to Mumbai that day. We waited there for four hours. When the DCP arrived, I was taken to his cabin and he asked me to sign some papers. When I refused to sign the papers, they started to torture me physically and mentally. The DCP told me: "These are your confession papers and you will have to sign it at any cost." He threatened me if I did not do as he said, he would arrest my family, torture them and implicate them in the same case." Tomorrow, you shall be produced before the magistrate and you have to accept before him that this confession is yours, indeed. If you do not do so, we shall torture you further." I was already under fear and was not in a condition to bear further torture. I got constrained and pressurised. I finally succumbed to pressure and signed the false confession papers. I read a part of the confession while I was signing on it. All of it was false. I reiterate it that I did not ever confess before anyone out of my own desire. I did not make any confessional statement before DCP Mohite.

DCP not in his office during confession

I gathered information through RTI which clearly said that during Prime Minister Manmohan Singh's visit to Mumbai, from 14 to 16 October, many DCP were assigned the security duty and DCP Mohite too was one of them. DCP Mohite was not at his office during these days. He did not record my confession. I submitted the documents of RTI to the court. I also tried to find out through RTI, DCP Mohite's vehicle location during these days. The details of the log book procured through RTI confirm that from 14 to 15 October, Mohite was busy with security arrangements for the PM. It also says Mohite had been for rehearsal of security arrangements on 14 October. I have submitted all the evidence to the court.

Thrashed before being sent to prison

On 19 October, I was produced in the MCOCA special court. There I denied having confessed anything (confession retraction). The judge took my statement on record. He ordered for our medical checkup. But the ATS took us to Arthur Road jail without medical checkup. The ATS told the jail staff that these (we) men were terrorists and asked that we be given a proper welcome. Provoked by the ATS, the jail staff thrashed us terribly at the main entrance and later locked us in high security *anda* cell. Even in jail my medical checkup was not done.

ATS chief Raghuvanshi visits jail

On 21 November 2006, the jail officer Govind Patil took me out of *anda* cell and took me to jail superintendent Ms. Swati Sathe's office. Raghuvanshi came there after sometime. I was forced to sit in front of him. He was enraged and upset that I had not complied to his threats and offers and that I had retracted my confession. He was still advising me to turn approver and get myself out of the jail. He started abusing me and my family. He asked me to think over it and decide my fate myself. With these words he left. During this short visit, I noticed that one of his fingers was plastered.

No identification parade

On 7 November 2006, I was taken out of my *anda* cell only for five minutes and was made to stand before the gate. The ATS officers were standing there with some people and they were pointing me out to them (to help them recognise me in court). After five minutes I was taken back to my cell and locked there. No identification parade (TIP) was conducted that day. At least, none according to the law.

Biased MCOCA special court

On 9 November 2006, when I was produced before the MCOCA special court, I filed a complaint against the ATS through my advocate. I complained against the jail staff and superintendent Swati Sathe in writing. During my police custody, the ATS used to bring many men in my lockup and say: "Remember his face properly, he is Dr. Tanveer." I was photographed many times those

days and many newspapers had printed my images taken from a close distance. One such picture was printed in *India Today* magazine. When we were taken back to the jail from the court, jail superintendent Swati Sathe called us all accused to her office and said: "You have complained against me in the court, but it won't harm me in any way, because the judge is a friend of mine" (Mridula Bhatkar, a high court judge nowadays).

After this incident, we lost hope and faith in the judge. She behaved with us in a biased manner and sided with the ATS. Consequently, I applied for my case to be transferred to another judge from Mridula Bhatkar.

Torture in jail and transfer

On 27 June 2008, jail officer Govind Patil informed me that I was being transferred to another jail. I asked him: "On whose orders?" He told me: "On the judge's orders." When I asked for the order copy, they beat me up mercilessly and broke my hand. I was sent in this condition to Nagpur Central Jail. All this was done at the behest of superintendent Swati Sathe, only because I did not comply with her illegal demands to turn approver for the ATS and we kept complaining against her and the ATS. I received medical attention in Nagpur jail, and I was medically treated there. I submitted all related medical papers to the court. I also complained to the court in writing against this assault on me. An enquiry was conducted in the matter and it was later found that the jail authorities had beaten us for no reason. A criminal case was filed against Swathi Sathe and the jail staff in Dadar court.

RTI queries

I filed many queries under RTI from jail so that I could use them to prove may innocence and establish the falsity of this case. I sent an RTI enquiry to the Central Library Mumbai and procured the "cutting" of the newspaper *The Times of India*. The newspaper had printed my photos and accused no. 11 Zameer's. In a totally different instance in Madhya Pradesh, some books were seized in a SIMI case and were archived as evidence in Khandwa civil court. I sought through RTI copies of those books. The ATS made colour photocopies of these books and planted them as evidence in our

case. Similarly, I filed many RTIs and have submitted all related documents to the court.

Whatever has been written regarding me in my putative confession papers or those of my co-accused, all of it is false and baseless. My advocate had filed an application in the court pleading that all seven blasts were a part of the same case investigated by the same ATS. What then was the reason for sending the accused in police custody separately for investigation of each blast? The ATS then submitted their response in writing that each blast was a separate case and succeeded in procuring the accused's police custody for each case separately. They then clubbed all the cases and imposed MCOCA.

I have deep respect for my profession and I prefer to work in a charitable hospital such as Saboo Siddique hospital. I am fond of defeating the ailment and saving a person's life, no matter to what cast, creed, religion or class my patient belongs. I have not committed any crime or illegal act in my life. I have visited many patients at their homes and have treated them, but I have never taken a single penny from them for this service. I believe it is my duty to serve the humanity as the Almighty has blessed me with the knowledge of medicine. The scant service that I have rendered, I believe is nothing but a *sadaqa-e-jaariya*[a] on my behalf. I have not committed any act of terror, nor have I ever undergone any arms training. Neither did I ever make or assemble bombs.

I do not have any contact with any terrorist organisation, Indian or foreign. I am not related to any banned organisation in any manner whatsoever. When I visited Iran for religious pilgrimage I did not travel beyond Iran for any purpose. I never kept literature of any banned organisation with me nor do I do so at my home. I was leading a normal life with my family. I had a busy life due to my profession and I did not have any time for useless things. I wanted to do a hospital management course and the hospital was willing to help me in every way to pursue the course. The ATS, by implicating me falsely in 7/11 blasts case, has actually helped the real culprits who caused the blasts.

The way ATS implicated innocent Muslim youths in Malegaon blasts, they have done the same to me in 7/11 case. They forged

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[a] An ongoing or perpetual charity; a good deed for which Allah rewards continuously till doomsday.

fake witnesses to make sure we were convicted. When this fake case was registered against us in 2006, Raghuvanshi was the ATS chief and when other agencies later claimed in 2008 that these blasts were a handiwork of some other group (not us), even then Raghuvanshi was the ATS chief. Now that his false implications were exposed, he arrested some alleged members of Indian Mujahideen to save himself and his team and later got them discharged. The basis of the discharge in the case was false reports.

The ATS falsely claimed recovery of explosive material from me. They submitted a false confession attributed to me. They defamed and humiliated me. They tarnished the image of my profession, ruined my life, and tortured my family physically and mentally.

The above-mentioned narrations are the words of Dr. Tanveer. He had submitted this in the court in writing and also had stated in person in the court in the form of a statement on oath. It is obvious that the public prosecutor (PP) cross-questions the accused. Below are the details of the questioning by the PP Raja Thakare:

Just because I am an educated person it is not enough to say I know everything about my constitutional rights. When MCOCA was imposed on me and I was sent to jail, it was then I learnt that I had been accused of 7/11 blasts. I believe it with utmost certainty that all the accused in this case are innocents and are wrongly implicated. It is wrong to say that all the accused have submitted their written and verbal statements on oath in a planned manner to defame the investigating agency. It is totally false that I was in contact with Ehtesham *via* mobile phone and that it was a part of 7/11 conspiracy.

On 18 July 2006, I was in Kurla police station the whole day. My passport bears evidence to the fact that I did not go beyond Iran and that I had been there for my religious pilgrimage from where I returned to my country, India. I have not attended any conspiracy meet at any of the accused's residence nor have I participated in bomb-making. I have been accused of following Al-Qaida Manual and that I have accused the police of torture and abuse according to its guidelines. I do not know what the manual is in the first place. Let alone following its content and then accusing the police accordingly.

Analysis of Dr. Tanveer's narrations

Despite multiple and repeated attempts the accused Dr. Tanveer has not been given the details of his CDR and mobile location because the ATS has strongly warned the MTNL against doing so under any circumstance. He has submitted all the documents in the court about his attempts to retrieve his CDR Why is the ATS not letting MTNL submit details of Dr. Tanveer's mobile? The answer is simple: the CDR and the location of Dr. Tanveer's mobile will spoil the fake case built up by the ATS and they'll be exposed. For example, the ATS accuses that on 8, 9 and 10 of July 2006, Dr. Tanveer was at Muhammad Ali's residence in Govandi involved in bomb-making. But the mobile location shows that he was at his Mominpura residence and Saboo Siddique hospital doing his job as usual. During the police custody, the ATS asked for Dr. Tanveer's police custody to be extended saying his mobile phone had been investigated and his CDR was being analysed and it would need more time. The court considered this reason every time and kept extending his custody. However, at the end of this investigation when they realised that Dr. Tanveer was in no way in contact with any of the accused and that he was not at Govandi on the day of bomb-making, they suddenly made all of his CDR vanish into thin air. When RTI was used to seek the same data of Dr. Tanveer's mobile, they misused their powers and stopped the mobile company from revealing the data.

The police's biased attitude was clearly visible here. To prove their false allegations if they need to produce CDRs of hundreds of mobile numbers, they would do so. But if the data of one mobile number are demolishing their false story and proving the accused innocent, they would do anything to stop if from surfacing. It is a child's play for the police to turn the truth into a lie or a lie into the truth or to mix the truth and lie together to fool the masses and courts.

Acquitted of the SIMI case

During 2001 the Kurla Police had filed a false case against Dr. Tanveer, accusing him of being a SIMI member. The case finally ended in 2014. The ATS had argued in the MCOCA Court on the basis of this very case. But when the case ended and

Dr. Tanveer was declared innocent and acquitted, the ATS had no basis to connect him to the banned organisation SIMI.

Religious pilgrimage to Iran

Dr. Tanveer had been to Iran legally and openly. It was not a secret an illegal journey. Furthermore, Iran is not an enemy of our country. The accused had all the evidence, including passport, to prove that his journey was legal. Yet, the ATS submitted in the court that Dr. Tanveer had been to Iran secretly and from there he went to Pakistan and underwent terrorist training there. The ATS had nothing other than their verbal claim to prove this. Has the Iran government provided them any evidence that Dr. Tanveer had been to Iran and to Pakistan, and back to Iran from Pakistan, illegally? No! Neither did the ATS nor the Government of India ask for any evidence from Iran in this regard. The ATS was unable to produce any witness from Iran who could testify that he had seen Dr. Tanveer visit Pakistan from Iran and return or that he/she had arranged for his journey. The ATS was also unable to produce any witness who could testify in the court that he/she had seen Dr. Tanveer in Pakistan, let alone witnessing him taking terrorist training.

Analysis of Dr. Tanveer's statement

Dr. Tanveer has refuted every allegation made against him in detail. Basically, he has been accused of four things: (1) Weapons training in Pakistan (2) presence during the making of bombs used in 7/11 blasts (3) recovery of maps; SIMI literature from his residence (4) confessing to have committed one of the blasts in 7/11. During cross-questioning the public prosecutor Raja Thakare was unable to falsify any of the words uttered by Dr. Tanveer in his defence. Raja Thakare was unable to negate the authenticity of the documents produced by Dr. Tanveer. In a nutshell, Dr. Tanveer's statement is a major evidence establishing his innocence. Yet the judiciary ruled in favour of the police, declaring 12 innocents as guilty, sentencing five of them to be hanged till death, and seven to life imprisonment. But there is one lesson to be learnt from this experience: No matter how strong the police and their political masters are, never sit quiet and do nothing when you are being falsely implicated in a case. One must constantly strive to

prove innocence by use of all rights available to an undertrial. And bring the truth to the court's notice. Not always will courts be able to treat the police's story as Gospel Truth.

Accused no. 3 : Muhammad Faisal Shaikh

Muhammad Faisal Ataur Rehman Shaikh submitted his statement (deposition) in the MCOCA special court, Mumbai, in Hindi. The following is its translation:

Education

I completed my early education in Urdu medium. I studied at a Malegaon Urdu-medium school from V to X standard. In this school, other than Urdu we were taught Arabic as second language. I wrote my SSC second language exam in Arabic language. I do not know Hindi or Marathi at all. I have only started to learn Hindi here in jail. As for the English language, neither do I know enough of it to write it, nor can I understand it. The chargesheets of 7/11 case have been in Hindi, Marathi or English. I have been trying to understand them with the help of my co-accused. Even this very statement under section 313, I am getting it written with the help of a fellow inmate.

Forced to sign

Whatever the ATS has attributed to me in my confession in Hindi, Marathi or English, I do not know what it means and when it was written. Some of the officers used to note down something during my interrogation. I did not know what they noted down, nor would they tell me what they had written down. All that I know is there was torture, beating and third-degree torture all the time. They used to force me to sign some papers during these episodes.

Illegal detention

On 19 July 2006, I was illegally picked up by the crime branch unit II, from near my house at Mira Road. I was stopped while I was

riding my bike and they took me to their office at Saat Rasta. I was illegally detained there till 27 July 2006. My father, my cousin Noman Shaikh and my school friend Faisal Rasheed were also detained. Noman was later released and forced to act as a witness in this case. The details of his story will be narrated later. They were locked in another cell away from me. I was not allowed to meet them. I could only see them from a distance.

Crime Branch gave me a clean chit, but...

I was badly tortured during my illegal detention at the crime branch unit. Later, I was told that my father and cousin were also tortured. The crime branch was unable to gather any information from me about 7/11, because neither was I involved in the blasts nor did I know anything about it. At last, on 26 July 2006, a higher official, Madam Meeran Borwankar, told me that they had conducted a thorough enquiry in this matter and had not found my involvement in the case. But she said that this case was not theirs. It was that of ATS. Thus, they were handing us over to the ATS the next day, 27 July 2006. I burst into tears and started pleading with her: "Madam, when you know I am innocent and not involved in this case, why are you handing me over to the ATS?" She told me that it was a part of their legal procedure and they were duty-bound to do it. Then, on 27 July 2006, the crime branch handed me and my brother to the ATS. My brother Muzzammil was arrested from Bengaluru by the crime branch on 22 July 2006.

Pain, helplessness and pressure

On 27 July 2006, the ATS took us, both brothers, to Kalachowki. We were locked up separately and subjected to harsh interrogation. They started torturing us right from the day one at Kalachowki. They tied me up and kept beating me with a mill belt for the whole night. On 28 July 2006, we both were produced in the court. I implored the judge that I was innocent but he simply ignored my words and sent us in ATS custody. It was as if the ATS was given a licence to torture me as they wished. They tortured me continuously in their custody. Various officers used to visit me and in the midst of the ATS torture, they used to interrogate me in different manners. They used to write down their own story and then make me sign on the papers. I was so helpless that had the

ATS asked me to take the blame of all crimes committed on earth on myself, I would have done so just to escape the pain of torture. During those days I used to simply sign on any paper I was asked to due to the torture and pressure I was subjected to. I did not even know on what papers they were taking my signatures. I was made to sign so many times on plain papers that I lost count. I don't think I was even fully conscious those days. It was only after I used to sign on those papers that I was left alone and the torture would be stopped for some hours. I would agree to do anything they said just to make them stop torturing me.

The police is under pressure, please take the blame on yourself

Throughout my custody at the ATS, I was never taken to my home or anywhere else to recover anything nor to help them to arrest or identify someone. I was only taken once to Meeran Borwankar's office by ACP SL Patil and other ATS officers at the crime branch, head office at Crawford. I was made to sit there for the whole day. Meeran Borwankar tried to persuade me to do as the ATS asked. She said: "Do as the ATS says, it is only for your own good! Have faith in Allah! You are innocent and you shall surely be released from this case. But we are under extreme pressure. We are helpless. We too have a lot of higher officials to answer to." In short, she was asking me nicely to take all the blame on myself. Meanwhile, Meeran Borwankar tried convincing me for quite a long time. Throughout my custody, it was the first time I was given a chair to sit. I told Meeran Borwankar: "I am neither a murderer nor a traitor. Yet, you are asking me to take the blame for all these deaths on my head. Why don't you just shoot me and declare me the real culprit?" I was only expressing my helplessness and listening to her with tears in my eyes. Later, she sent me to crime branch Saat Rasta unit-II, with crime branch officer Hargude and told me: "You both shall be in my custody for two days and nobody will torture you here. Think over what I have told you!" I saw Ehetesham at crime branch unit-II, at about 4 o'clock for the first time.

Commissioner said: support us

Similarly, I was also taken to police commissioner AN Roy's office at Nagpada. He too tortured me and said: "Anyway your life is

ruined now. If you think about helping us out, we too may think about something for you." I was so helpless that I agreed to do whatever they asked me to. But I was unable to comprehend as to what it was that they were persuading me to do through varying tactics: threat, torture, coaxing and cajoling. I realised the gravity of the matter only when I was taken to make a false confession at DCP Brijesh Singh's office.

How they made me sign the confession

ACP Shenghal, Sunil Deshmukh and staff took me from Chandan Chowki to Brijesh Singh's office, unit no. 1, opposite VT Station. As Shenghal and Deshmukh were present in DCP's office I could not say a word about my innocence to DCP Brijesh. ACP Shenghal had threatened me to do as he said or else he would bring all women of my family to the station and gang-rape them. He had also threatened that he would implicate my father and brothers falsely in this case. He further said, "You cannot even imagine what we will do to you after that!" I was totally shattered and terrified due to two and a half months of third-degree torture and mental torture. I did not open my mouth in the presence of these two policemen. At last, DCP Brijesh Singh asked both of them to leave the room. I mustered some courage and said:

Me: "Sir! I am innocent. I am falsely implicated." (I was sobbing with tears)

DCP: "I know."

Me: "These people are pressurising me to take the blame of the train blasts on myself."

DCP: "Listen Mr! I cannot help you in any way in this matter. I am ordered by my higher officials to record your confession. That's it."

Me: "Sir! Have some mercy on me!"

DCP: "You just keep quiet now!" He then took some papers out of an envelope and said: "This is sent to me by DCP Naval Bajaj. He asked me to write this on some papers and take your signatures on them."

Me: "Sir! I am innocent. How can I confess to a crime I did not commit and sign on the fake confession paper?"

DCP: "See, if you do not sign on the confession paper, I won't do you any harm. I will just complain about this to my higher

officials. Then these people will take you to some other DCP and he will make you sign these papers forcibly. You know you cannot save yourself from this procedure anyway. I am giving you a time of 24 hours to think over this. Take time and consider carefully."

He then sent me to the Qila court lockup. This was my first and last encounter with DCP Brijesh Singh.

At the Qila court lockup, there was also a havaldar from ATS other than the one already present there. He kept on threatening me on and off. Sunil Deshmukh and ACP Shenghal also used to visit my lockup and continue threatening me. Thus, I spent these 24 hours in terror. Intimidated by their threats I made up my mind that I would just do as they said. After 24 hours, I was taken to ACP Brijesh's office, but he did not show up that day. I was made to sit outside his office for 5-6 hours. Then they took me back to the lockup in the evening and locked me up there. Next day, I was again taken to the DCP's office and again I was made to sit in the gallery. The third day Sunil Deshmukh and ACP Shenghal took me from the lockup and headed straight to Chandan Chowki where DCP Bajaj was already present. The whole AST was furious at me. They tied me up and started beating me so horribly that I fell unconscious. At last, I gave up and agreed to sign on the papers. The confession was in Hindi and I started signing them without reading. Neither was the content read to me nor was I allowed to read it. They took me to DCP's chambers. DCP Bajaj, with an evil grin on his face, said to me: "Happy now? Enjoyed the pain? Had you signed the papers earlier, you would not have had to go through this pain." I just kept quiet. I was broken due to torture. They then took me to the Qila court. At the ground floor, Sunil Deshmukh, ACP Shenghal and the staff again threatened me not to say "a word" to the judge. I promised them I would keep mum. They then took me to the upper floor. After a wait of one and a half hours I was at last standing before the magistrate in his chambers. They made me stand a distance from the judge. He asked the mask to be removed from my face. Then the conversation followed:

Magistrate: "Do you have anything to say."

Me: "Yes, Sir! I am innocent and I am being falsely implicated in this case. I have not done any blast."

Magistrate: "Okay! (Gesturing to the police) Take him out."

Then they took me out of the magistrate's chambers. After sometime they took me to Chandan Chowki in their jeep. This was just two days prior to my judicial custody. They we verbally abusing me all the way.

Faisal Shaikh's confession published before it was presented in court!

'I went to Pak, met ISI bosses'

11/7 bombings accused Faisal Sheikh confesses

Abhishek Sharan
Mumbai, October 6

ENGINEERING DROPOUT Faisal Sheikh, alleged mastermind of the July 11 serial bombings, has told investigators he met several "high-ranking" ISI officers during his three visits to Pakistan between 2001 and 2004.

The 31-year-old 'western Indian commander' of the Lashkar-e-Tayyeba (LeT) has also admitted to having received — through Bahawalpur-based LeT terrorist Azam Cheema — instructions from the ISI on carrying out the 11/7 operation. Similar confessions have been made by co-accused Sohail Sheikh who is also in custody.

The confessions make up the core of the evidence gathered by the Anti-Terrorist Squad (ATS) on the ISI's role in 11/7. At a news conference given last Saturday, Mumbai Police Commissioner A.N. Roy had directly accused the ISI of planning the bombings, a charge that triggered a war of words between India and Pakistan.

"Both Faisal and Sohail have told us during their interrogations that they had been taken to meet certain high-ranking officers of Pakistan's ISI during their training stints there," ATS chief K.F. Raghuvanshi told *HT*.

"Faisal and Sohail worked directly under Lashkar's India commander Azam Cheema, but their ISI bosses masterminded their terror activities," Raghuvanshi added. "There are several ISI handlers who supervise the training programmes that Cheema organises for Mumbai-based Lashkar members — one, to direct their terrorism targets and two, to spot terrorist talents and weed out the less committed among the new recruits arriving in Pakistan."

ONLY IN HT

Sohail was arrested on July 25 and Faisal on July 27. Both arrests were made by Senior Inspector J.K. Hargude, chief of the Mumbai Crime Branch's Unit 2.

According to Hargude, "Faisal met ISI bosses several times during his three visits to Bahawalpur in 2001, 2003 and 2004. Sohail met them when he went there to get training in 2002."

An investigator who declined to be named said Faisal had stayed at the camp for six months in 2004, though a regular training stint lasted only about 45 days.

Raghuvanshi said it was difficult to establish whether Faisal had actually met the ISI chief himself. "They were not told the ranks or names of the officers they met. These things are arranged in utmost secrecy".

Hindustan Times (7 October 2006)

Complaint in the MCOCA special court

I was then produced in the MCOCA special court, where I complained before the lady judge how I was tortured and forced to sign on the confession papers. Thankfully, the judge ordered a medical checkup and asked me to submit my complaint in writing. Accordingly, I submitted my complaint in writing through my advocate, Shahid Azmi.

The drama of medical checkup

Whenever the police used to take me for a medical checkup, they would threaten me and ask me to keep quiet. Due to fear I never used to say a word to the medical officers. Even the doctors were often hand in glove with the ATS. They could see that I was not even able to walk properly due to torture. Yet they would not perform my medical checkup, let alone reporting about my pain and injuries. I used to be in a very bad condition due to the torture. Yet, they would not take me to the checkup for 5-6 days. The doctors were called twice to my lockup where they just completed formalities of filling a form and left.

Family members tortured

At Kurla chowki anti-robbery cell I was badly tortured. Inspector Vijay Salaskar and staff stripped my father naked in front of me, my brother and other accused, and tortured him. He forcefully pulled away my brother's wife's *burqa* and threatened to rape her. In such a condition who would not become helpless? What decent man would not agree to do whatever the ATS asked them to do? My only concern was to protect my family from these horrendous happenings. I told them I would sign whatever papers they wanted me to sign or take whatever blame they want me to take on myself.

My father complained about this horrible episode to the Prime Minister's Office through our advocate Shahid Azmi and Member of Parliament, Abu Asim Azmi. My father had also got drafted a statement on oath to complain in the court, but he dropped the idea after assurances of action from the PMO. I have submitted those affidavits to the court.

Witness Alam Qureshi, a police informer

I don't know any person named Alam Qureshi. He never did visit my home. Whatever he is saying regarding my involvement in 7/11, is absolutely false. He is doing so only at the behest of ATS. One of Alam Qureshi's relatives, Raees Qureshi, was jailed in Arthur Road prison for some days. I had a chance to meet him. He informed me, "Alam has a long criminal history. Alam's father Sabir Qureshi once used to collect protection money (*hafta vasooli*) for the underworld Don Chhota Shakeel. Even to this day he is in touch with the D-Company and Alam works as an informer for the ATS."

Had the ATS been really truthful they would have submitted our CDRs along with our chargesheets. They made a fake case against us. The CDRs would have exposed the ATS lies. That is why despite the court asking for the CDRs repeatedly, the ATS did not submit them. Whomever Alam Qureshi has mentioned as those who attended a conspiracy meeting at my house, I do not know any of them. Alam made this false statement at the behest of the ATS to save himself from the criminal cases he is tangled in. He narrated a fake story to help the ATS implicate us falsely. The police made our videos and took numerous photos of us. They showed these videos and photos to the fake witnesses to help them identify us in courts. This is how the police are deceiving the courts.

Nothing was recovered from me

Throughout my police custody nothing was recovered from my residence. I was never taken to my residence at Bandra, or my brother's residence at Mira Road, to search for any possible suspicious entity. I was not made to stand in any identification parade on 7 or 8 November 2006. I was only taken out of *anda* cell for some 20 minutes and put back in.

Helpful RTI

I gathered information through RTI which proved that the witness Devendra Patil was speaking lies that the train in which the blast occurred departed from Churchgate station, platform no. 1. I have submitted the RTI query and reply to the court.

Visit to Pakistan

During December 2001, I had used my visa and had been to Pakistan by train to attend a marriage ceremony of one of my cousins, Zahra Abdur Rehman. She had been to India during 1999-2000 and had repeatedly requested to attend her marriage, without a miss. I was free those days. So, I went to Delhi and applied for a visa which I got easily in a month. I accordingly went to Pakistan on a visa of one month. The holy month of Ramadan began and my uncle insisted on me to stay for a couple more days. I obliged happily, stayed there and returned home (India) legally by train. Except for this one visit, I did not ever visit Pakistan again.

Forced to sign on fake statements

FEMA[a] officer Arvind Kumar too gave a false statement against me in the court at the behest of the ATS. At first, I thought he was one of the ATS officers, because when I saw him, he had entered the office with them. He already had a statement written with him in English. He asked me to write it down in my handwriting. I was then forced to sign on the paper. They had also made me write a statement in Urdu and had forced me to sign it. But they did not attach my Urdu statement with the chargesheet. The police and ATS would make me sign whenever and on whatever paper they desired. They had made my life worse than dead through torture and detention. I never killed a person, nor did I have a hand in the blasts.

The truth about the Maruti 800 car

I have not bought any car till date. I do not know how to drive a four-wheeler, nor does anyone in my family. According to their false story, the ATS needed a car to implicate me in this case. So, they would keep asking me who amongst my friends might be having a car. I told them the name of one of my friends, Naseer Teli. He was from Dharavi and he used to ride a Santro car. The ATS detained him too and harassed me unnecessarily. But later they let him go. They then managed to get a Maruti 800 from somewhere and patched it on my name in the 7/11 conspiracy. It is

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[a] Foreign Exchange Management Act; Enforcement Directorate (ED) is responsible for enforcing economic laws and fighting economic crime.

false that a Maruti car was used in the conspiracy of this case. The ATS has no evidence to prove that the car belongs to us. The person Rizwan Khot of Millat Nagar, from whom the ATS claims to have recovered this car (allegedly mine). They never produced him in the court.

Judge ignores my plea

On 28 October 2006 I had complained to Judge AM Thipsay that I was innocent and the ATS had implicated me falsely. I also complained that they were torturing me and forcing me take the blame of the 7/11 blasts on myself. But the judge just mentioned in one of the daily newspapers that I said "I am innocent" and ignored the rest of my complaint. During my police custody I used to complain to the judge on each and every date I was produced in the court. But the judge never used to note down my complaint and would simply hand me over in the police remand.

Signature

Muhammad Faisal Ataur Rehman Shaikh

Analysis of Faisal's statement

Faisal has clearly mentioned in his statement that he had completed his education in Urdu with Arabic as second language. However, the whole of his confession submitted to the court in Faisal's name is in Hindi. When a person does not know how to read and write Hindi, how would he declare that he had read the confession and had found the entries true to his knowledge? This alone is enough to falsify the confession attributed to his name. It also proves that the accused had signed the confession papers under duress. It further proves that the DCP was under pressure from his higher authorities and he just did what he was asked to do. Nonetheless, it is almost impossible to prove all these things in a court. So, it is better for an accused to die in custody, but he must never sign any paper.

The higher officers' confession

It can be clearly noticed how many officers in higher positions confessed before the accused that they were unable to nab the real culprits and they were under tremendous pressure from

governments and masses to "show results". Meeran Borwankar, who tried convincing the accused to take the blame and help the ATS, has been promoted. Today, she is the head of all Maharashtra prisons. There is an unwritten rule rampant in the police department: "The dirtier the jobs you do, the higher you climb the ladder of promotion."

The DCP is bound by the higher authorities' order

DCP Brijesh Singh told Faisal a bitter inconvenient truth: "If you do not sign the papers willingly, they will make you sign them by force. They will take you to some other DCP because it is the police, not the court, who decides which DCP records the accused person's confession. At the end of the day good DCP or bad DCP, you will have to sign the papers."

PM helpless against police

Newspapers did report that Faisal's family met the Prime Minister Manmohan Singh in Abu Asim Azmi's company and complained that they were tortured. The Prime Minister heard the whole story and assured of action, but to this day, even after so many years, no action has been taken. This shows how helpless even the Prime Minister of this country is before police.

Police can recover anything from anyone's house

Nothing was recovered from Faisal's house according to Faisal himself. But according to the police they recovered maps, SIMI literature, traces of RDX and remnants of the materials used in bomb-making. The police can show any recovery from anyone's possession. They can even submit to the court that they had discovered Aladdin's Lamp from your house and the court would readily believe them. Thus, it is very important that whenever the accused is produced in the court, he must inform the judge that nothing was recovered from his possession, nor did he know that anything was recovered and nothing would be recovered in future too. He must ask the judge to take his statement on record. Remember never to sign on any *panchnama* as it would further implicate you falsely.

ATS links my Pakistan visit with terrorism

It is a very well-known fact that even to this day; many Indians have their relatives in Pakistan and *vice-versa*. They keep visiting each other from time to time. But is it a crime that an Indian has relatives in Pakistan? Is it a crime to legally travel to Pakistan to meet them? If no, then why was Faisal, who travelled legally to Pakistan by Samjhauta Express to meet his relatives, targeted? Why did the ATS cook a fake story out of it? The ATS told the court that Faisal had not actually been to meet his relatives but to undergo weapons training in Lashkar camps. Why would a sane man go to Pakistan legally, visit Lashkar camps and invite trouble?

Where is the other taxi?

The ATS claimed that the accused used taxis to transport the bombs and they also used a Maruti car. Several months after the blasts, the ATS recovered the car from Millat Nagar. On investigation, traces of RDX were found in the car. However, strangely, the taxi in which the bomb was transported from Govandi to Bandra and from Bandra to Churchgate, no traces of RDX were found. Even if we presume that the accused had a car, he would normally use his common sense and not use it for the crime to avoid the possibility of getting caught. Also, if the accused can hire 7-8 taxis to transport the bombs, why did they not use one more taxi? What appears incredible is that the accused after using the car for blasts did not take it for a wash to erase all the evidence. In fact, they just hid it for months only to be found later with the RDX traces still in it. All these prove the point that the accused did not own a car, let alone using it to transport the bombs.

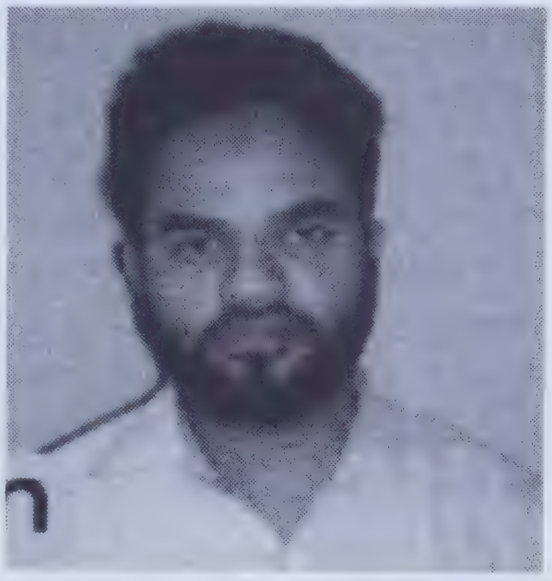
An important rule

You might get to face a biased judge always taking the side of the police. He/she may always ignore your complaints, as in the case of Faisal. But this does not mean one must stop complaining to the judge. Do not give up. Keep complaining. This will affect the judge some or the other way and it will deter the police from further harassing or torturing you. The police would always be under fear that they don't know when, which judge may take your complaint seriously. Remember the rule: "Do not speak before the police and

do not be silent before the judge!" Keep repeating your complaints at every chance you get and for as long as you can.

Faisal's whole narration is based on facts. This author had seen Faisal in Kalachowki being tortured. I was not familiar with him back then. But his face stuck in my memory due to his distinct, long hair. After we were sent to jail, I came to know that he too was falsely implicated in the 7/11 case.

Accused no. 4 : Ehtesham Qutbuddin Siddiqui



The accused submitted his statement on oath. It is as under:

Early life and education

I was born on 1 January 1982, in a poor family at a village named Yunuspur, post Khetasarai, district Jaunpur, Uttar Pradesh. My father used to work in a company in Saudi Arabia. He wanted me to obtain the best possible education. I studied at my village till X standard and later went to Mumbai for higher studies. My father had bought a flat a Mira Road and I used to stay there during my studies. After completing my XII standard, I took up engineering and got admission to Narayan Nagu Patil Engineering College, Pen, district Raigad, Maharashtra. I used to stay in a hostel and would sometimes visit my home at Mira Road.

Arrested in SIMI case

During the 3rd year of my engineering on 27 September 2001, when I was returning home after college, the Kurla police arrested me. They asked my name and address, but did not tell me anything and put me in lockup. I was produced on the next day in the XI court, Kurla and was released on bail. But the police did not let me go. They implicated me in another case. I was detained in police custody for 15 days. They used to enquire about my background and family. Later, I was released on conditional bail, that I must show my attendance at Kurla police station twice a day. As a result, I could not complete my education.

Eventually, I started a desktop publishing (DTP) centre and used to work from home. Later, I also started a religious publication by the name Shahadah Publications. I would publish religious books and promote them by giving advertisements in newspapers and magazines. I would get orders from various book-sellers from across the country *via* phone or in the form of letters *etc.*

Threat to implicate me in a major case

After my first arrest in 2001, the police started a never-ending series of harassment. Whenever there would be a blast or a major attack in the country, I used to be summoned unofficially by the Mira Road police station, Kurla police station and crime branch, Dahisar unit, Mumbai *etc.* They even used to summon me whenever a new senior police officer came after the old one's transfer. They used to torture me, record my statements and threaten to implicate me in some major case. They used to abuse and threaten, warning me not to complain against the torture and abuse. I would never complain against the police due to fear.

My mobile is always with me

On 27 November 2005, officer Shailesh Gaikwad called me at Kalachowki, questioned me in detail and let me go. I had bought a mobile from one of my business friends, Nathuram Tedgure. It was a Bharti Airtel SIM numbered 9867139179. I started using the number for my personal and business purposes. I always kept this mobile with me.

Where was I on the day of blasts?

On 11 July 2006, I woke up early in the morning and went to offer my *Fajr* prayer. I returned from prayer and started the typing work on my computer. At 1:30 pm, I again went to the Masjid to offer *namaz*. From there I went to a cyber cafe and soon returned home. Then I went to offer *Asr namaz*. When I returned home after offering *Maghrib namaz* I was told that there has been a blast. I rushed to the spot to help the injured, but someone stopped me saying the police were not letting anyone go there. I thus returned home. Later, my mother, worried after hearing the news called me

on my mobile from my home town asking me if was fine. The CDR of my mobile is there in the court which proves that I was in Mira Road and that my mother had called me. Other than the numbers of my family, my mobile also contains those of my business acquaintances.

I never went to Shivaji Nagar Govandi

On 8, 9 and 10 of July 2006, I was at home, busy doing my work. During these days I never went to Shivajinagar Govandi, nor met the accused no. 4, Muhammad Ali. I don't even know him in the first place. The first time I saw Muhammad Ali was on 31 July 2006, at ATS office Nagpada when officer Shailesh Gaikwad had brought him with his hands tied. All these three days my mobile was with me for the whole time. I received and made many calls on these days. The public prosecutor has fabricated a false story that I was in Shivaji Nagar Govandi at Muhammad Ali's residence and indulged in bomb-making.

Illegal detention and physical torture

On 12 July 2006, at about 8 o'clock in the evening senior police inspector Murade from Mira Road Police station came to my house and started questioning as to where I was on 11 July 2006. I gave a satisfactory reply. He left asking me to visit Mira Road police station to record my statement. On 13 July 2006, at about 9 am I went there. They recorded my statement in detail and at last let me go in the evening. The next day, on 14 July 2006, 3-4 officers from crime branch, Dahisar unit visited my home and took me to their station. The whole day they interrogated me, recorded my statement and, at last, let me go in the evening. I continued my usual routine after that. On 24 July 2006, inspector Sunil Mane called me to ATS office, Nagpada. I went there in the afternoon hours. I went there and that was it! I never returned home, even to this day. Inspector Shailesh Gaikwad kept asking me repeatedly "when had I went to Pakistan?" I constantly kept telling him "never"! They kept torturing, beating and thrashing me continuously. They snatched away my mobile, my pan card and took all my documents from my wallet. They even took away Rs 25,000 kept in my wallet and distributed it among themselves. I had collected this amount to buy a new computer for my

business. I was subjected to third-degree torture and kept tied for complete 24 hours. Inspectors Gaikwad and Vilas Joshi inflicted this pain on me.

On 28 July 2006, at about 4 pm ATS chief KP Raghuvanshi started interrogating me. I honestly said that I knew nothing about the case. He got irate and ordered officer ACP Kishan Shenghal and others to torture me so much that nobody would be able to recognise me. They complied and subjected me to third-degree torture to such an extent that they did literally disfigure my face.

Police, or dacoits?

That evening the ATS barged into my home and bagged everything they could lay their hands upon. They brought out 10 jute bags filled with the looted objects. They contained my religious books, computer, rug and edibles. They distributed the valuables among themselves. The height of irony is that not only they looted my house, they even filed a case against me and presented me in Mazgaon court on 29 September 2006. I was detained illegally for five consecutive days. They threatened me before producing in the court not to utter a word or else the consequences would be bad. They also took me to KEM hospital for a medical checkup. Even here they threatened me not to say a word about the torture to the doctor. I somehow gathered courage and told the doctor that I had severe pain in my legs due to torture. The ATS got infuriated with my complaint. They then brought me back to the lockup, tortured me and threatened me that if I complained again, they would arrest my brother and father and implicate them too in this case.

Illegal narco test

On 3 August 2006, I was taken to Nagpada and there I was beaten horribly by PI Vilas Joshi, PSI Shailesh Gaikwad and other constables. They were pressurising me to take the blame of blasts on myself. They then took me to DCP Naval Bajaj. He asked me whether I did confess to committing the blasts. I told him that these people were torturing me terribly and forcing me to accept the blame. He then took me to ATS office Chandan Chowki. Some people came there with injections and glucose bottles. An officer of Forensic Science Lab (FSL), who had chickenpox marks on his face, was amongst them. They told me they would cure my pain.

I refused to accept their treatment on account of suspicion and fearing they would cause me further pain. But they tied my hands and feet and injected some drug into my body. They were mocking me that this injection made a person speak the truth. KP Raghuvanshi, DCP Naval Bajaj and ACP Jai Jeet Singh were present at that time. They began asking me questions. I started feeling dizzy and at last fainted, trying to answer their question. I gained consciousness the next morning. They then took me to Bhoiwada. On the way a *hawaldar* told me that I was subjected to narco-test and during the procedure the officer who conducted my test confirmed that I was not involved in the blasts.

Witnessing torture of other accused

On 12 August 2006, I was taken out from my lockup to the first floor in the same building before police commissioner AN Roy, DCP Naval Bajaj and officers from ATS and other teams. There I witnessed an accused being thrashed mercilessly. Later I came to know it was accused no. 3, Faisal. They were constantly asking him about the blasts and he was expressing his innocence and non-involvement repeatedly. AN Roy asked me whether I knew him. I replied in negative saying: "Neither do I know him nor have I seen him before."

Not allowed to hire an advocate

On 12 August 2006, I was officially booked in the 7/11 blasts case. They did not allow me to contact anyone, so that I could hire an advocate to defend myself. Even at the Mazgaon court, neither did they allot me an advocate from the legal aid cell, nor did they ever ask me about one. My family was never informed about my arrest.

Police painfully pluck my beard, one by one

On 14 August 2006, I was taken to Vijay Salaskar at the anti-robbery cell. There I saw Salaskar and Inspector Phadke torturing a person mercilessly. Later, when the same person appeared in the court as a witness, I learnt that he was Muhammad Alam Ghulam Qureshi. On the other side of the office Alakhnore was torturing another person whom I now know as accused no. 4, Muhammad Ali. In a few minutes an elderly person was brought in. It was the

father of accused no. 3 and accused no. 9. They stripped the gentleman and paraded him naked before us. Faisal's brother's wife also was brought there and her burqa was pulled off forcibly. Accused no. 2, Dr. Tanveer, accused no. 9, Muzammil, accused no. 3, Faisal and accused no. 10, Suhail were also locked up there. Inspector Phadke, Alaknure and other *hawaldars* ruthlessly plucked out the hairs of my beard, one by one I was beaten and kicked by every officer and constable passing by me. I was terrorised. The next day they took me back to Bhoiwada.

"We kill Muslims in encounter"

After 3-4 days, I was taken out of Bhoiwada lockup, and to the upper floor. DCP Naval Bajaj and several other officers were present there. One of them initially asked me some questions and later threatened me saying: "Whenever we catch a Muslim, we just shoot him!" Later, when I saw his photo in a newspaper during May 2007, I came to know that he was Gujarat ATS chief DG Vanzara, who later got arrested for the infamous Sohrabuddin fake encounter.

Fake encounter in 7/11 case

On 21 August 2006, the ATS took me into a detention room at Kalachowki. There was already another accused detained there. Suddenly, inspector Vasant Tanje rushed into the detention room and started shouting at the *hawaldar* as to why he brought me in and locked me up. He immediately took me out and sent me to Nagpada ATS office. After being sent to jail, I received the deceased Muhammad Ali's photo in reply to one of my RTI queries. Muhammad Ali was implicated as a Pakistani in the "conspiracy" of 7/11. Looking at the photo I realised it was the same person I saw in Kalachowki. I have submitted the photo to the court.

Silence before the judge

On 24 August 2006, I was taken to crime branch, unit II, Saat Rasta. Inspectors Hargude, Dabale and Azam Patel interrogated and tortured me horribly. They later recorded my statement. They then took me to the Mazgaon court. The judge asked me if I had

anything to say against the police. I replied in negative. I was terrified due to the threats against my family, that they would implicate my family in the blasts case and would torture me further. The judge extended my custody. I was taken to Bhoiwada and the crime branch team began torturing me again. They threatened to kill me in a fake encounter.

Vinod Bhat commits suicide

During the last week of August 2006, I was taken to Bhoiwada ATS lockup and produced before ACP Vinod Bhat. The conversation that transpired between us is as below:

Vinod Bhat: "I have studied all the documents of this case. After careful examination I have come to the conclusion that neither you nor any of the accused is actually involved in this case."

Me: "Sir! We too have been reiterating repeatedly that we are innocents. But we don't know why we are implicated in this case."

Bhat: "We are unable to nab the actual culprits. That's why!"

Me: "On who's order is all this being done?"

Bhat: "Police commissioner AN Roy and ATS chief KP Raghuvanshi have mounted pressure on me to submit a false chargesheet and implicate you in the 7/11 case!"

Me: "Would you do that, Sir?"

Bhat: "No! Never! Although they are threatening to implicate my wife in a fake case."

Me: "What then would be our fate, Sir?"

Bhat: "Have faith in Allah, Ehtesham! I will give up my life, but I will not implicate an innocent."

A few days after this, Vinod Bhat committed suicide.

Public and political pressure

On 5 September 2006, the police took me to ATS office Nagpada. AN Roy, KP Raghuvanshi, Jai Jeet Singh and SK Jaiswal were present there. AN Roy had a conversation with me.

AN Roy: "We are unable to nab the real culprits of 7/11 blasts. We are pretending to have solved the case by arresting you all."

Me: "Why are you doing this?"

AN Roy: "Because there is lot of public and political pressure on us. So, take the blame on yourselves and help us."
Me: "Sir, when I have not committed any blast, why should I take the blame?"
AN Roy: "If you agree to cooperate with us and do as we say, you will reap benefits."
Me: "Benefits?"
AN Roy: "We will make you an approver, get you out on bail and settle you in a foreign country."
Me: "Sir, I cannot accept a false allegation."
Raghuvanshi: "You do not understand the language of nice ones. Do you?
Me: "Sir, when we are innocent, what on earth is stopping you from releasing us?"
AN Roy: "We too have higher authorities to answer to."
Raghuvanshi: "You give a very good thought about this. Consider carefully. Decide wisely."

They then took me back to the Bhoiwada lockup.

Narco test in Bangalore

On 6 September 2006, they took me to Bengaluru. There I was subjected to narco test, lie-detector test and brain mapping test. Officer Shelke informed me that they did not find anything implicating in my narco. He told me I would be sent to jail and from there I would be released. But, unfortunately, the police got my custody extended and again took me for a narco test. Officer Wadhankar, ACP Shenghal and staff were escorting me. Accused no. 1, Kamal Ansari, was also escorted with me. It was 11 September 2006. I was kept in a lockup at Bengaluru. Dr S Malini subjected me to the narco test again. This time I was not injected much of the drug. So, I was quite conscious throughout the procedure. She asked me: "Have you planted the bomb in the train?" I said: "No." She told me to say: "No! I have not planted the bomb in the train!" This narco test was video recorded. While I was being brought back to Mumbai, I asked officer Khandekar: "Sir, you found nothing against me in the narco test. Please let me go. He bluffed, "We have got all that we wanted in the test!"

On reaching Mumbai, Khandekar was escorting me to the Bhoiwada lockup. He got a phone call. It was Raghuvanshi. He

had asked Khandekar to get me to the Nagpada lockup. Once we reached there, Raghuvanshi took me to a cabin in the backside of the office and started threatening me: "Do as I say and you will be released from this case." I refused. He said: "Then be ready for the horrible consequences! We will subject you to third-degree torture. We will not spare even your family." In the same breath, he also made me an offer: "If you agree to enact my fake story, you will be rewarded with a huge amount and shall be peacefully settled in any place in the country." I refused the offer. He said: "If you turn down my offer, we will kill you too in a fake encounter like we have already killed one!" He was referring to Muhammad Ali's Antop Hill encounter. He got infuriated. He called officer Tanje in and asked him: "Get a long rope, tie him, and take him to the jungles of Borivali. If he tries to run, then just shoot him down! He then gestured to Tanje: "Give him a very special treatment!" I was then taken to Kalachowki and tortured horribly. When my condition deteriorated, I asked for a medical checkup. But they thwarted me saying: "No need for any checkup. Everything will heal by itself."

Distributed sweets on blasts in mosques

The next day, I was taken to inspector Vasant Tajne's office. Raghuvanshi, Jai Jeet Singh, Jaiswal, Khanvilkar, Sachin Kadam *etc.* were present there. Inspector Sachin Kadam was distributing sweets. He asked me: "Would you like some sweets? Our men have caused a blast in Malegaon." Raghuvanshi told me: "You'll have to sign on some papers in the presence of our higher officers!" I told him I won't sign on papers with false allegations. He got infuriated and took me to the torture room and thrashed me terribly. Then they took me to the court and on the way, they threatened me to keep quiet in front of the judge. I was terrified and consequently I kept mum. I had no advocate to defend me there. Whenever I was taken to Mazgaon and Qila court, advocate Raja Thakare represented the ATS. I was not allowed to meet anyone at the court.

Abruptly produced in sessions court

On 28 September 2006, I was taken to Sewree court and produced before Judge Abhay Thipsay. The police as usual had threatened

me to keep quiet. I did so. I was not told why I was produced in the court. Only after I was sent to jail, I came to know that MCOCA had been imposed on me. My police custody was extended once again. I was again taken to Kalachowki and subjected to torture.

Forced to sign on the confession

On 5 October 2006, ATS officer Vasant Tanje and PP Deore took me to Matunga to the office of DCP Dattatraya Karale. First of all, the DCP asked all present officers to leave his cabin. The DCP straight away told me that I had done the blasts and asked if I had to add anything. I replied that I had not done any blast and I do not know anything regarding this matter. He said: "I have been sent your complete confession in which you have clearly accepted that you have committed the 7/11 crime." I denied having done any such thing. He got infuriated and called the officers into the room. He sent me away with them. Tajne, Deore and others took me to Bhoiwada lockup. They again took me to Kalachowki and started torturing me. They threatened me if I did not sign, they would implicate my brother and my father in the case. They also showed me photographs of my two younger sisters. They asked me if I wanted to see how they would "behave" with my sisters. I was terrified by the mere thought of it. I told them I have seen what they have done to Faisal's father and his brother's wife. I did not want to see anything like that done to my family. At last, I was rendered helpless and I agreed to sign the papers. The next day they again took me to DCP Dattatraya. His attitude was totally changed that day. He gave me two sets of written papers. I read the papers and told him that other than my name and address, all other things were wrong and falsely accusatory. The DCP asked me to just sign the papers or else face the same torture as last night. Tajne and other ATS officers took my signs forcibly on the papers and later took me to the Matunga lockup.

On 7 October 2006, Tajne and Deore came to my lockup with some typed papers and asked me to sign them "without reading them". As it is, I was terrified, so I signed them. In the evening they took me to the Qila court. An unknown person sitting there asked me my name and date of arrest. They then took me to Bhoiwada lockup.

Threats to keep mouth shut in court

On 8 October 2006, DCP Naval Bajaj came to my Bhoiwada lockup and told me that I would be produced before a lady judge named Bhatkar madam. He threatened me saying if I complained to her against them, they would again get my custody extended for 15 more days and would molest the female members of my family. Another officer Mandge too threatened me in the same manner. On 9 October 2006, I was produced before Judge Bhatkar. She asked me if I had anything to say. I mustered some courage and was able to say only that: "I have been forced to sign some papers containing false allegations against me." Apparently, at last my complaint fell on some good ears and I was finally sent to judicial custody. As soon as we entered the jail, the jailor Satish Gaikwad welcomed us with slaps. We were then locked in *anda* cell separately. We were not given any medical checkup there.

Police threatens my family

During my police custody the ATS used to bring many strangers into my lockup and point at me saying: "This is Ehtesham, remember his face properly." I had never seen them earlier. After being sent to jail, it was quite a relief from the threats and tortures. I used the time and submitted a detailed written complaint to the court. On 20 October 2006, with permission from the court, I was able to meet my family. My paternal uncle (*chacha*) Arshad *Sahab* told me that the police had called once and informed them about my arrest. But they had also threatened them not to hire an advocate to defend me. Or else, they would implicate them too in the case and had also warned them not to come to see me.

Complaint against the police in the court

During my police custody I was taken to the KEM hospital many times, once to the JJ hospital, once to GT hospital, once to Sion hospital and once to Bhabha hospital. But there used to be no medical checkup. The doctors never used to ask me anything, nor inspected my body. Often the ATS officers used to tell the doctors that I was an accused in a bomb blast case. They just used to perform the paper filling work before I was brought back to the lockup.

On 7 November 2006, I was taken out of the *anda* cell for merely five minutes. With this the ATS pretended to have performed the identification parade. The ATS pointed me out to three strangers to help them pretend to have identified us. But these three people never showed up in the court, nor did I see them again. On 9 November 2006, I filed a written complaint in the court against the ATS.

The police deceive even the magistrate

During the last week of December 2006, one of the magistrates visited the Arthur Road jail. We came to know he was SS Shirke. I recollected that it was written in my confession papers that the procedure was concluded in presence of the magistrate SS Shirke. But when I saw magistrate Shirke in jail, I was shocked to see that this was altogether a different person than the one before whom I was presented earlier. This means I was produced before an unknown person and it was later pretended that I was produced before the chief metropolitan magistrate SS Shirke. This proves that the ATS can go the extent of deceiving the court and the magistrate for their ulterior purposes.

The court is biased towards the police

In order to further harass me and my family, the ATS in cahoots with public prosecutor Raja Thakare, filed another application against me in the court accusing me of another blast. They requested the court that some of the accused of 7/11 case be transferred to another jail from the Arthur Road jail. Shockingly enough, the court granted the ATS their request without even asking the accused or their advocates. I was transferred to the Byculla jail, where the prisoners were always indulging in smoking *charas* and cigarettes. In January 2007, two months after my first transfer, the ATS filed an application accusing me of baseless charges and requested my transfer. Going by one-sided hearing, the court again granted their request and this time I was transferred to Kalyan jail. At last, when the trial in 7/11 case started, I was transferred back to Arthur Road jail during June 2007.

Complain against fake encounter in high court

During my days at the jail, I sent an RTI query to the Antop Hill police station to send me the photo and chargesheet of the deceased killed in the Antop Hill encounter. He was claimed to be a Pakistani, accused of planting a bomb blast in one of the trains in 7/11 blasts. It was a fake encounter. So, I filed a PIL against KP Raghuvanshi, AN Roy, DG Vanzara, DCPs DR Karale, Naval Bajaj and other officers, alleging that all these officers were involved in a fake encounter. Hence, a judicial enquiry must be conducted against them and action be taken accordingly. The high court asked me to approach a police station or magistrate first. Accordingly, I sent a written complaint to the Antop Hill police station from jail after two months. I did not get any reply. I complained about the matter to the police commissioner, Mumbai. Yet again, I got no reply. I tried to get information about the status of my complaint through RTI. I did not get any satisfactory reply. At last, I filed a complaint regarding the matter in Kurla court. It is pending.

Jail transfer at the behest of police

The superintendent of Arthur Road jail, Swathi Sathe, pressurised us to turn approver in this case. When I complained about her pressure tactics to the court, she started harassing us. On 28 June 2008, Swathi Sathe and jailor Govind Patil came to me and said "You have been ordered to be transferred to another jail. So, get ready." When I asked them to show the order, they started beating me. They forcibly dragged me out of the *anda* cell and started torturing me mercilessly. When almost all of the accused of 7/11, Aurangabad arms haul case, and Malegaon were brought out of *anda* cells, Swathi Sathe ordered the staff to beat us. We were beaten so terribly that none of us was able to stand. In this painful condition, all of us were dumped in the escort vehicle and sent away to Kolhapur jail. I was unable to collect my belongings due to the beating. My chargesheet and other documents got left in my cell.

I suffered a fracture to my hand due to the beatings. When we reached Kolhapur, even here we were not given any medical attention besides some pain killers. After several days, on the court's orders, I was finally taken to Kolhapur civil hospital and a

plaster cast was put on my fracture. I procured the details of my medical treatment at the hospital through RTI and have submitted the same to the court. I requested the prison authorities, and even the IG prisons, to transfer me to Arthur Road jail so I could attend to my pending cases, but my plea fell on deaf ears. At last, on the orders of the high court, I was transferred to Arthur Road jail on 30 September 2006.

RTI exposes lies in this case

1. I had never seen the fake witness Alam Ghulam Quraishi in my life. Yet, this fellow had made a false witness statement against me in the court. He had told the court that he had got his passport prepared from Rae Bareli. When I enquired through the RTI, it was revealed that Ghulam Quraishi had never been to Rae Bareli for the passport.
2. The fake eye-witness Vishal Parmar had told the court that he had boarded the train from Churchgate only after 5:15 pm and that the train had arrived on platform no. 5 only 5:15 pm. I used the RTI and found out that contrary to Parmar's claim, this particular train had been at the platform since 5:07 pm. It was revealed through RTI that Vishal Parmar had also served the crime branch as a pancha-witness in another case.
3. The witness Amar Khan Sardar Khan had informed the court that he has only one case registered against himself, but the RTI demolished his lies and revealed that three cases were filed against him.
4. Inspector Khanvilkar had been suspended in a corruption case. He informed the court that his suspension had ended on 18 August 2010. But the RTI nailed his lies that his suspension had ended on 3 July 2012.
5. The chief investigating officer SL Patil had given witness statements regarding SIMI, twice before the tribunal. It was learnt through RTI that the high court tribunal had rejected both of his statements.

Other than this I have submitted many RTI query-replies to the court. All these documents categorically expose the many lies told by the ATS.

Police destroys all evidence of my innocence

Your honour! I am an innocent person implicated falsely in this case. They have either concealed or destroyed all the evidence proving my innocence. They have forged fake witnesses with the help of their regular stooges. My business was shut down due to this case. My younger brother had to discontinue his studies to earn a livelihood and support my family. The only source that I had to prove my innocence was the RTI. After 7/11, when the police started summoning me to various police stations and interrogating me, I had already developed a hunch that they might implicate me in this case. I once got a thought that maybe I should leave Mumbai and go away. Then again, I said to myself: "I am innocent, so I don't need to run anywhere." Accordingly, I stayed at my home in Mira Road with full confidence. It was due to this confidence of innocence that when the ATS called me to Nagpada I went there by myself. It did not take the police or the ATS much to arrest me, or kidnap me, or ambush me, or pick me up. All witnesses who have testified against me are police informers and have a history of rapport with the department. They too were forced to testify against me because they were afraid that the police might otherwise implicate them in other cases. I presume they did all this to save themselves. All what has been said regarding me in the confessions of other accused of this case is false because I had never known them before. Contrary to the ATS claim that I had been to Mumbra during May 2006, I did not visit or travel to this place.

Truth emerges during cross-questioning

[When the accused no. 4 made the above statement on oath in the court, public prosecutor Raja Thakare tried to cross-examine him and falsify it, but it survived the test and stayed as it is. The following points that emerged during cross-examination.]

I did not know about my rights before my arrest. I learnt about them later in the jail. Since then, I have been struggling for my rights. I do not trust the doctor summoned as a witness, because he had drafted false medical papers at the behest of the ATS. It is true that I have not submitted any documents regarding my publication business in the court. In fact, it is impossible for me to do so since the ATS has seized all my files regarding my publication.

Shahadah Publishing House

It is not true that I used to publish inflammatory or provocative literature under the banner of Shahadah Publishing House. Jamiat Ulama-e-Hind have arranged an advocate to defend me and I completely trust them. I have read in newspapers that the organisation SIMI has been banned but I don't know what exactly it is banned for. I came to be familiar with Dr. Tanveer only after the SIMI case.

Contact with accused No. 2 and No. 7

It is true that whenever I was called by the police, I did not complain against them because they used to threaten me asking me not to do so. No doubt it is their duty to question me, but they also used to torture and harass me which I deem is a clear violation of my rights. It is not true that the conversations that occurred between Dr. Tanveer and me on mobile are a part of the 7/11 conspiracy. On the contrary, these contacts were in the context of Kurla SIMI case. My contacts with Sajid were only to the extent of my computer repair as he was a hardware technician.

My mobile and SIM card

It is not true that despite having all the documents regarding my residence I did not buy a SIM card in my name. In fact, in 2004, I had bought a mobile and a SIM card in my name. But when I was going to UP, I sold the mobile and the SIM card got misplaced. Later, I got a second-hand mobile with a SIM at a cheaper rate from one of my business acquaintances, Nathuram Tedgure. Hence there was no need for any identity or residence proof. But the police gave it a twist and presented before the court that there existed no person named Nathuram Tedgure and that I had bought the mobile and SIM under a dubious name. They also alleged that I used the previous SIM for all my illegal, anti-social and anti-national SIMI activities. All of this is false.

Do not meet your advocate

It is not true that I went to Ujjain for Jihadi training. It is not true that I had met Safdar Nagori and had conspired regarding the SIMI activities. Whenever the police called me to their stations for

questioning, they always warned me not to mention it to anyone. Accordingly, I did not contact any advocate nor did I ever take one to the station with me. It is not true that the PIL which I filed in the high court was intended to defame the ATS.

I did not make any false statement

The police have filed another false case against me that I had hit a policeman outside the court-room. On the contrary, it was the policeman who had hit me there. Therefore, I filed a cross-case against the policeman and the public prosecutor Raja Thakare. It is not true that I am an ardent member of the banned organisation SIMI. It is also not true that I have links with the terrorist organisation Lashkar-e-Taiba. It not true that I distributed provocative literature, nor is it true that I indulged in anti-national activities. It not true: that I was secretly in contact with SIMI members throughout the country, that I was involved in 7/11 blasts conspiracy, actively participated in executing the conspiracy, that I was personally involved in making and planting the bomb, that I follow the Al-Qaida manual instructions, that I accused the lower and higher police officers following the typical *modus operandi* of Lashkar-e-Taiba. It is not at all true that none of the policemen tortured me ever. It is not true that the statement I gave on oath is false and fictitious. It is not true that the information that I gathered through RTI is not reliable. It is also not true that I have made false statements to save myself from the consequences of grievous crimes.

Analysis of Ehtesham's statements

The above statement of Ehtesham is word-by-word correct. The reputed advocate Raja Thakare was unable to bring forth any evidence or witness on the basis of which it could be said that Ehtesham's statement was false or fabricated. With passing time, the truth is emerging, only to consolidate his statement.

Ehtesham had mentioned that in 2001 he was implicated falsely in a SIMI case. Thirteen years later, at the Kurla court, it was established that all allegations were false and all accused were acquitted. The police were unable to establish even whether the accused were members, or if they were arrested from the SIMI office.

Ehtesham did not plant the bomb

The police initially retrieved Ehtesham's call data record and mobile location. But, when they realised that these data established his innocence, they concealed it. Later, the data were again procured following the high court's order. The data clearly establish that for the whole day and night on 11 July 2006, Ehtesham was at his home. But the ATS claimed that on 11 July 2006, in the noon, Ehtesham first went to Bandra, picked up the bag containing the bomb, proceeded to Churchgate, planted the bomb, got down at Dadar and then went to Mumbra with his Pakistani partner in crime. But Ehtesham's mobile location pins his presence only and only at Mira Road and nothing else. It is possible that Ehtesham may have given his mobile to someone else to fake his location. But, in that case the ATS may have produced a witness to confirm that he had used Ehtesham's mobile that day to mislead the investigating agencies. Surprisingly, the ATS did not at all contend that the accused had handed over the mobile to someone else. The CDR and mobile location further establish that Ehtesham did not plant the bomb. This means the actual culprit is someone else whom the police is trying to save and has been successful in doing so till date.

Similarly, the CDR and mobile location also demolish the ATS claim that Ehtesham was in Govandi on 8, 9 and 10 July 2006, preparing bombs at Muhammad Ali's residence. To substantiate their claim, the ATS produced a witness named Amar Khan. Amar Khan is a known stooge of the police department. He is clearly lying at the behest of his masters. Sell-outs such as Amar can easily lie when subjected to fear or temptation. Moreover, the ATS did not claim that Ehtesham had given his mobile to someone else in Mira Road and had been to Shivaji Nagar Govandi. In such a case they would have surely brought forth a witness.

Eye-witness to the fake encounter

The ATS claims that on 21 and 22 August 2006, they found a Pakistani hiding in a haunted building at the Antop Hill. They asked him to surrender, but instead he opened fire on the police which led to retaliation by the latter. Eventually, he died in the cross fire. It was further claimed that the deceased killed in encounter was a Pakistani terrorist and was also involved in

planting bombs in the 7/11 case. Ehtesham narrates a mysterious incident that took place during his police custody. On 21 August 2006, Ehtesham was taken to Kalachowki. The ATS committed a blunder. They took him into a room where another person was already locked up. Ehtesham had seen him in the day time. He distinctly remembers his face. Later, when the photo of the deceased in Antop Hill encounter was obtained through RTI, Ehtesham confirmed it beyond doubt that he was none other than the same person whom he had seen on 21 August 2006, at Kalachowki lockup. This means the deceased Muhammad Ali *alias* Abu Umaid, was already in police custody. The only logical conclusion that can be derived from Ehtesham's statement is that contrary to the ATS claim, Muhammad Ali was not hiding in any haunted place at Antop Hill. In fact, he was taken there by the ATS themselves and murdered in cold blood. Ehtesham is an eye-witness to this whole episode of fake encounter. That is why he filed a petition in the high court against ATS to conduct a judicial inquiry into the encounter. But unfortunately, the high court rejected his petition. It is an irony that the judiciary of our country takes self-cognisance at the death of cats and dogs, but finds excuses to ignore the death of human beings.

Police can commit any crime and get away

ACP Vinod Bhat was an honest officer. He had refused to implicate innocent men in blast cases or to file false chargesheets against them. It was well-known in the police department that Vinod Bhat always prepared clean and faultless chargesheets and that they almost always led to conviction of the accused. In other words, his chargesheets had almost 100% conviction rate. Bhat's higher officials, especially police commissioner AN Roy and ATS chief KP Raghuvanshi pressurised him to draft a false chargesheet. When Bhat refused to do so, they threatened to implicate his wife in a fake case and send her to jail. When the pressure was too much on Bhat, he ended his life. Bhat committed suicide at the exact spot where one of the blasts had occurred. But his own treacherous department presented the suicide as an accident and closed his file. They then called ACP SL Patil from Kolhapur specially to draft this chargesheet. He did a very good job. A job to the satisfaction of his

masters. Thus, an honest officer was pushed to death and a corrupt one rewarded.

The guilty-conscious ATS

Ehtesham's signatures were taken forcibly on the confession papers. Technically speaking, a confession is supposed to be recorded at a DCP's office, provided the accused is willing to confess. It is to be recorded in the accused's own words. The DCP then takes the accused's signature and sends a photocopy of it to the investigating officer. But, amazingly, the part-1 of Ehtesham's confession statement obtained through RTI did not have his signature. A confession without the accused's signature technically means Ehtesham did not confess at all. But the question is: How come a confession without a signature was sent to us. The answer is simple. The ATS had already prepared a confession by themselves. They sent a photocopy of the same to the DCP and asked him to rewrite or type it and make the accused sign on it. Producing an accused before a DCP is nothing but a drama to pretend before the court that the whole procedure was followed according to the law. Thus, the ATS kept the photocopy of the supposed confession with themselves and when the ATS had to seek permission from the Mumbai collector office to prosecute the accused, they had to submit various documents which included the accused's confession. But the ATS committed the blunder of sending that photocopy of part-1 of the confession which did not have Ehtesham's signature. Meaning that it was a confession which ATS had themselves prepared and sent to the DCP. When this unsigned confession was submitted in the special MCOCA court, Judge YD Shinde kept staring at the document in disbelief for a long while. Yet, on the basis of this false confession Ehtesham was sentenced to death.

Accused no. 5 : Muhammad Majid Shafi

From Muhammad Majid's own testimony:

Family background

I live in Kolkata with my wife, my daughter, my mother, seven brothers and three sisters. We are into footwear business since last

several years. We own two shops. One is named "Raja Footwear" run by four of my brothers, another is "New Star Footwear" run by three of my brothers and me. Our shops are open from 8 am in the morning to 10 pm at night. I maintain accounts of my business in a diary on an annual basis.

I was born on 9 May 1980. My father passed away when I was in IX standard. In order to support my family, I took up the footwear business. I completed my higher secondary education from Muhammad Jaan School. We were taught Urdu and Arabic there. We were not taught Hindi. Obviously, I do not know how to read and write Hindi. I have submitted the progress report of my school which proves that Hindi was not taught at my school. Similarly, I have also submitted my accounts diary which contains details from January 2006 till my arrest on 28 July 2006.

Business with Muhammad Shakeel

I know Muhammad Shakeel Muhammad Mehboob since 2003. He resides in our locality. One day he told me that he had enough experience in optometry (spectacles and goggles), but he was unable to launch a business due to shortage of money. He offered if I invested in his business, we both could make a good fortune. He mistook me for a rich man. I told him that I was not well off enough to make an investment. He then advised me to take loan from my brothers and we would start a business in partnership. I took him to my brothers. He explained his proposed business to them and asked for a loan. My brothers gave him a loan without interest or share in the profit on only one condition that he should return the money as soon as possible within three years. Shakeel promised me a good amount of profit. I too was desperate for money as I wished to raise my own house and get married. It was mutually decided that I would make the investment and he would run the business. It was also decided to open an account and deposit Rs 50 in it on a daily basis so that in three years it came to

Rs 54,000. The account was opened but Shakeel deposited only Rs 15,000 in it.

During the business I used to have arguments with Shakeel because he was not depositing money in the account and he was not transparent in accounts. In the meanwhile, my brother started asking for the money, I arranged Shakeel's meeting with my brother 4-5 times. Every time he promised to pay the loan but he never kept his word. During 2003-2006 he returned me only Rs. 15,000 out of Rs. 60,000 loan. He also kept falsely complaining to my brothers that I was not concentrating on the business. Shakeel's father did not work. He used to be always drunk and high on *charas* the whole day. His grandfather used to run a *matka* (gambling) business. His brothers were involved in dacoity cases. As a result, the police department kept frequenting their house. He started cheating me in business, which many times led to quarrels between us. Consequently, my investment was ruined.

I never went out of India or Kolkata

All my relatives are from Kolkata. None of them stays outside Kolkata, or India. Accordingly, I never went out of Kolkata, let alone going out of India. Needless to say, but only for the record, I have never been to Mumbai. In 2005 I got married. My father-in-law was an advocate. During August 2006, my daughter was born. The little one brought great happiness in my life. But little did I know that this happiness was short-lived. I was arrested in a false case in September 2006.

Where was Majid on 9th and 10th of July

During July 2006, I was at my shop all the time. My diary bears witness to this fact. On 9 July 2006, after closing my shop I went to my brother-in-law's house to watch FIFA World Cup. I was very fond of football. I distinctly remember how in this match a French footballer was shown red card for head-butting an Italian player (the infamous Zidane head-butt that cost France the world cup). I watched the match till late night and slept there itself. On 10 July 2006, it was Monday and it is an agreed norm here to keep all shops closed. So, I used the leisure time to clean and dust my shop. In the evening, I went to attend the engagement of one of my nieces.

On 11 July 2006, I was busy with my usual routine. I went home at about 1:30 pm in the afternoon had food and went to sleep. At 5 pm I returned to my shop and stayed there till 10 pm in the night. At about 8 pm I came to know that there had been blasts in Mumbai trains. I was saddened to hear the news. I closed my shop at 10pm and went home. I saw the news of blasts on TV at home. I had dinner with my family and later went to sleep. From 11 July 2006, till my arrest on 26 December 2006, almost all the time I was at my shop. I took leave only when I had to take my wife to the hospital since she was pregnant.

Evidence of Majid's presence in Kolkata

On 11 July 2006 and before and after this particular day, I was at my shop and had not been to Mumbai. The court could summon my brothers, workers at my shop and my neighbouring shop owners and confirm my presence. I distinctly remember that on 11 July 2006, I met three businessmen and I had the following discussion with them.

1. **Iftekhar Alam Muhammad Ismail:** He owns a factory of making disposable cups and plates. I met him on that day and exchanged greetings.
2. **Janab Mustaqeem:** He has a kirana store right opposite my shop in Raja Bazaar. I visit his store almost every day to buy day-to-day essentials. Accordingly, I visited his store that day too and had casual conversation with him.
3. **MS Ansari:** He is a close friend of my brother. Stays near my house. My brother had taken his shop on rent and had started a video parlour. I used to park my bike in the parlour. In the morning of 11 July 2006 and in the evening Mr. Ansari had seen me parking and taking out my bike.

   I still remember how I had bought an insurance policy from ICICI on 12 July 2006. I also remember I had been to the market on 12 July 2006 and made some purchases. I had not left the city.

Sudden and forcible arrest

On 28 September 2006 I was at my shop. The police and the ATS forcibly picked me from there and brought me to Narkeldanga Police Station. I asked them why they had forcibly brought me

there? But they did not give me any answer. Neither was my *panchanama* prepared in the presence of any *pancha*-witness. In a while my brothers, my relatives, friends and some leading local citizens gathered at the police station demanding the reason for detaining me illegally. The police instead of giving them any answer lathi-charged them. ATS officers Vijay Salaskar, Phadke, and many other officers were present there. They took me to produce before their higher officer at Sakhawat Memorial Girls High School, Lord Sinha Road. I asked this higher officer: "Why I have been arrested like this? I have no involvement in any criminal act?" He told me that I had been arrested only to be asked some questions and I would be let go afterwards.

He then started asking me questions:

Officer: "What is jihad?"

Me: "I don't know."

Officer: "Do you know SIMI or any of its members?"

Me: "I have heard this word SIMI for the first time in my life."

Officer: "What do you know about Mumbai train blasts that occurred on 11 July 2006?"

Me: "Yeah! I know about it from the TV."

Officer: "You are involved in the train blasts."

Me: "False. I was in Kolkata the whole day at my shop."

Officer: "What do you know about the blasts?"

Me: "Nothing, Sir! I am innocent. You can check my previous record. I'm just a common man with family and kids. Let me go!"

Officer: "Okay!"

He made me wait outside his office. I thought he would really let me go. He came back in a few moments and told me two officers had come from Mumbai. I would have to go with them. I refused to go with them. I asked him to call my family and told him if my family says so, I would go.

Your honour! I am innocent

That same night they took me forcibly to the airport and by 10 am the next morning I was in Bhoiwada ATS lockup. There were also three other men already locked up and their faces were masked. I was produced before Judge Thipsay on 29 September 2006. The judge asked me if I had anything to say. I told him: "Your honour,

I am innocent. I don't know why I have been arrested!" I pleaded with him to let me go. The judge told me: "If you have not done anything wrong, you will surely be released." The judge took my statement of innocence on record. Later, the ATS brought me back to the Bhoiwada lockup.

Human rights people visit us

On 30 September 2006, two men came to meet us at ATS lockup. They said they were from some human rights (organisation). I told them I was innocent and had been arrested in an unjust manner. I requested them to do something for me and told them that I did not have any previous criminal record. I further told them that they did not even tell me why they had arrested me. They then asked me the same questions that the officer had asked me back in Kolkata. I gave them the same answer. I told them that I was a common man and they could confirm about my character from anyone in my locality. They just consoled me and assured me that they would do their best to help me. They advised me to keep faith in Allah, have patience, seek help from Allah. Then they left with this advice.

That evening I was produced before ACP Tawde. He made me sit on the floor and started kicking me. I asked him for what crime was I being kicked like this? He got infuriated and said: "Very soon you will come to know!" When I started arguing with him, he called 3-4 *hawaldars* and made them beat me mercilessly. This continued for several hours. Later, officer Phadke came and took me to Vijay Salaskar's office.

Police's fake story

On 1 October 2006, officers Alaknure and Phadke started asking me strange things I did not have any idea about. They asked me: "When did you visit Pakistan to attain weapons training? When had I been to Bangladesh?" I answered, "I have never been out of Kolkata!" They told me, "We soon shall come to know all that you have done." Then they subjected me to third-degree torture due to which I passed out. When I gained consciousness after some time, they narrated to me their concocted story. They said I had crossed the border and had been to Bangladesh and from there I had brought in some Pakistanis into India, who were involved in

Mumbai train blasts. I rubbished the whole story and told them that they were accusing me baselessly. But they anyhow recorded my "statement".

Police tactics

On 13 October 2006, an officer came to me in Kurla office. He started speaking to me in Bengali and told me that he was from Kolkata. He informed me that both my shops had been closed and some of my brothers had been arrested. He also told me that the police call my wife to the station every day for questioning. She goes there with our baby which is merely one month old. They question her for 3-4 hours before letting her go. I told him I was innocent. I told him if he was from Kolkata, he could ask anyone there and everyone would testify for my innocence. I asked him not to trouble my family and requested him to take me there. But in the end, it was all a psychological tactic to coerce me into agreeing to do whatever they wanted me to do. One must not lose hope and not give in to such police mind games. Stay courageous, be patient and keep praying to God.

Keep quiet in the court, or else...

On 14 October 2006, I was observing religious fast. Despite that Vijay Salaskar tortured me horribly. This continued for many days. They used to take me to the hospital but never would they take the mask off my face. They simply used to take my thumb impression on some medical papers. On 13 October 2006, Vijay Salaskar called me in his office and told me that I would be taken to the court. He asked me not to say a word in the court. If I did, they would get my police custody extended and would torture me more. He threatened me if my family came to meet me at the court, he would arrest them too. Then they took me to MCOCA special court. In the court hall, a *hawaldar* was standing behind me and was constantly threatening me not to say anything. Consequently, I was unable to say anything in the court. My police custody was extended for 14 more days. The police did not let me meet my family and brought me to Kurla lockup.

Truth-speaking test?

I was taken to the hospital and subjected to many medical tests. I gathered some courage and told the doctors how bad my condition was and why? But the ATS officers made the doctors record my medical condition as normal. I asked the ATS officers: "Why so many medical tests are done on me?" They told me: "All of this is to subject you to narco test" I asked: "What is this narco test?" They replied: "This test makes a person speak the truth." I said: "If this is true, then you will all know for sure that I am not involved in this case." Alaknure and other officers were left chuckling at my words.

Have mercy on me!

I was then taken to Kalachowki ATS office. I was made to sit in a sound-proof room. A Punjabi officer, Jai Jeet Singh, came there to interrogate me. He asked me about my whole life right from the beginning. When I was done narrating, he said: "Say some more! Something that would seem worth listening to my ears!" I told him I don't know anything more than what I already told. What else can I say! He grew incensed and turned to Alaknure rebuking him: "Who has brought him here? It seems you people have not taken good care of him! That is why he is not speaking the truth!" He then called other policemen and asked them to torture me. They started inflicting third-degree torture on me. I broke into cries and started pleading for mercy. I told them: "I will do whatever you ask me to, but just stop this torture and get me out of here!" They just left from there for the day only to come back and continue the torture for two more days.

Narco test

On 17 October 2006, officer Alaknure came to my lockup and told me he would take me to Kolkata for an outing. He, along with his staff, took me to the airport and flew me to Bengaluru. I asked him why he brought me to Bengaluru. He told me once my narco test was done he would take me to Kolkata. He also told me he would let me go after my narco test. Then they put me in a lockup. On 20 October 2006, they took me to a hospital and a lady doctor attended on me. I was taken to the operation theatre and given an

injection. I told the lady doctor I had not committed any crime, so she should actually help me. She said she knew everything and I should do as she told me. The injection started acting on my body and I started feeling dizzy. I remember the lady doctor was asking me to say something. She told me to say: "I had been to Bongaon border and had brought in some Pakistanis to Kolkata." I told her I had not committed this crime, so I would not say this. A cameraman was standing on my right and was recording everything. The lady doctor slapped me and twisted my ear. I persistently kept refusing to say what the lady doctor asked me to say. She then said: "Okay! Now say I had not been to Bongaon border and I had not brought Pakistanis from there to Kolkata!" I repeated the exact words. Then they took me out and I asked them to take me to the washroom. I saw another person subjected to narco test just like me. He was a bearded fellow and the lady doctor was slapping and twisting his ears. His ear was bruised. Later I learnt that it was the accused no. 13, falsely implicated in this case, named Asif Khan.

Will molest your wife and daughter

I was taken to Vijay Salaskar's office in Mumbai. He showed me the CD of my narco test and said that I had confessed to have done the blasts. I told him the CD was edited and my negative answers had been edited to make them look like positive ones. When I argued regarding it, Salaskar started thrashing me. They then forced me to sign some plain and written papers. When I refused to do so, he threatened me, saying: "Within two hours, we will get your wife and daughter here and molest both of them right in front of your eyes!" I was already distraught due to physical and mental torture. I was not ready to see such a ghastly sight with my eyes, nor was I able to bear any further mental or physical pain. [Vijay Salaskar was killed in 26/11 Mumbai 2008 terror attack.]

Signs of torture

From day one, since I was arrested to the day I was sent to jail, I was never questioned or interrogated by the investigating officer ACP Patil. I did not ever express my desire to confess before him. During my police custody I did not even know what a confession actually meant. A day before my confession, I was taken to

Bhoiwada lockup from Kurla. I was in a very painful condition due to torture. My wounds were visibly fresh and I was unable to walk. Abdul Wahid Sheikh (the author) was also locked up there. He saw me wounded and limping and asked:

Abdul Wahid Shaikh: "How did you get these wounds on your body?"

Me: (I broke into tears and said) "The ATS men have tortured me a lot."

Abdul Wahid: "Where?"

Me: "In Vijay Salaskar's office."

Abdul Wahid: "Stop crying and show all your wounds to the judge in the court."

Me: "If I showed the wounds or complained in the court, the ATS will get my custody extended and they'll torture me again."

Abdul Wahid: "Why on earth are they torturing us?"

Me: "I don't know. I am innocent. I have not committed any crime."

Abdul Wahid: "Even I am innocent."

Me: "What case are we implicated in?"

Abdul Wahid: "I don't know. I don't know what they are going to make of us."

Me: (I again broke into tears) "I have a daughter, an old mother.! Who will take care of them?"

Abdul Wahid: "Have some patience. Allah will surely find us a way out."

The drama of confession

On 24 October 2006, in the morning, officer Alaknure and staff Bhoiwada took me to a DCP. Alaknure threatened me to do as the higher officer said or else, they would again subject me to the worst treatment. The DCP just asked me my name and address. He then made me sit on a stool and he himself got busy writing something. He wrote for almost an hour. After about an hour he sent me with the police to be taken to the lockup. On the next day, 15 October 2006, which was *Eid-ul-fitr*, I was again produced before the DCP. The DCP again made me sit on a stool and he himself got busy writing, which looked like copying something, for 3-4 hours. When he was done writing, he asked me to sign those papers. I refused to sign saying it was in Hindi and I did not know what was written in

it. I said I would not sign them at any cost. He said the papers only mentioned my custody at his lockup. I still persisted in my refusal and continued to say I would not sign. The DCP got infuriated and started shouting and beating me. He threatened me, saying: "You don't know me! I will inflict so much pain on you that nobody might have so far! If your brothers came to meet you in court, we will arrest them and kill them in a fake encounter!" As it is, we were already devastated and I did not want further trouble for my family. I just signed the papers. Then the police took me to some home in Kurla. There was a person there in civil dress and I did not know who he was. He just took a look at me and gestured to the police to take me away. He did not say a single word to me. He did not read me out anything nor did he take my signature anywhere. The police then brought me to Kurla Office.

Do not speak in the court

On 24 October 2006, Alaknure and staff produced me in the MCOCA special court. On way to the court, they kept threatening me to keep quiet before the judge. I did not say a word in the court. Moreover, a *hawaldar* standing behind me was constantly threatening me to keep quiet. After the procedure, I was taken to Byculla Jail.

The next day, during my medical checkup, the prison doctor took notice of my wounds and entered the details in his report. I obtained a copy of report through RTI and submitted it to the MCOCA special court. Next day, I was sent to Arthur Road jail.

Be an approver for us

In the Malegaon graveyard blasts case 2006, they had turned an accused named Abrar into an approver. The ATS wanted to adopt the same *modus operandi* in this case too. They turned a lot of stones to turn an accused into an approver in this case too, to prove that this case also was real. When I was sent in judicial custody, many ATS officers visited the jail. With the help of superintendent Swathi Sathe kept pressurising us to turn approvers. ATS chief Raghuvanshi, Sachin Kadam, Arun Khanvilkar, Alaknure, Vijay Salaskar *etc.* would visit the jail and take me to the rear cabin of Swathi Sathe. There they would threaten, tempt and pressurise me to turn an approver. They said if did not agree to their demands

I would rot in jail for many years and, I if agreed, they would get me out very soon. Sathe used to be present during all these visits of ATS officers. She too would threaten me that if I did not listen to them, she could harm me in any way she wanted in the jail. The ATS officers also threatened me that if I did not do as they said, they would implicate my family too in false cases.

Complaint against the police in higher courts

On 9 November 2006, I was produced in the MCOCA court. I gathered courage and complained to the judge about what the police had done to me in their custody. The judge asked me to get the complaint written by my advocate and submit it to him. I also told him that I had not made any confession. I wrote it in detail and sent a copy to the high court and another to the MCOCA special court. I kept complaining against superintendent Swathi Sathe and ATS continuously. Swathi Sathe developed a grudge against me because I had been complaining against her. Consequently, one day she raised a false alarm in the jail and got us all accused beaten badly. She then sent us all to another prison. Later, by the order of high court, after 15 months, I was again sent back to Arthur Road jail.

Why Muhammad Shakeel testified against me?

Muhammad Shakeel made a false witness statement against me in the court. Quite obviously, he had a vested interest in doing so. He wanted me to rot in jail so that he could usurp my business for himself. I have never ever taken part in any anti-national activity. I am innocent. I had never seen any of my co-accused before in my life. It was only in police custody that I got to see them for the first time. I did not have any contact with them earlier in life. Muhammad Shakeel has illegally captured my business since last seven years. I had never been to Bongaon with Shakeel. He was nothing more than my business partner. He was not my friend. He is a police informer and he has hatched this plot to usurp my business with his brothers.

I am not involved in the 7/11 case

My confessional statement was recorded forcibly. The contents of the confession are false. Whatever my co-accused have said (or were made to say) against me, all of it is totally false. I was neither involved nor had a role in this case. I was in Kolkata before, after and during the blasts. Merely a year before my arrest I had got married. My wrongful arrest caused a lot of trouble for my family. My wife's health deteriorated grievously. Muhammad Shakeel has lied that I had brought some Pakistanis and lodged them at my home. The female members of my family practice *purdah*.[a] No outsider ever visits my house. Not even the friends of my brothers. This wrongful arrest has maligned and defamed the reputation of my family in society. Even to this day my family is enduring physical and mental torture. The sole purpose of my statement is nothing but to convey that I am innocent. I demand nothing but justice and to be released from this false case.

[When public prosecutor Raja Thakare cross-examined Majid, in an attempt to prove his statement wrong, the following details came to the fore which further vindicated Majid.]

I don't know Hindi

I have full confidence in the judiciary. When I my first conversation with Judge Thipsay it was in Urdu. General conversations in Urdu and Hindi sound the same. I had given my statement in the court in Urdu-Hindi. Then the public prosecutor read out my supposed confession to me, which was in Hindi. He then asked me what is it that I could not understand. I responded, many words were in Hindi, which I did not understand. I watch movies, I watch TV, but I don't understand Hindi completely.

My statement is true

It is not true that I had made false allegations against Muhammad Shakeel regarding the business, just because he had given a witness statement against me. It is not true that the diary of my business is fake and forged at a later date. It is also not true that I participated in the 7/11 conspiracy, played my role and sneaked in Pakistani

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[a] The practice of seclusion and veiling of women.

wanted criminals into India. It is not at all true that I willingly confessed before the DCP. The fact is, I did not ever confess anything because I did not commit the crime in the first place. It is not true that the DCP recorded my confession following the legal procedure. It is not true that I have falsely accused the police of torturing me and that I am following the instructions of Al-Qaida manual made for terrorists.

Muhammad Majid Muhammad Shafi's statement
on oath ends here.

Analysis of Muhammad Majid's statement

One of the biggest evidence of Majid's innocence is his hand written business diary in which Majid used to register all details on a day-to-day basis, such as how many footwears are in stock presently. How many were sold on a certain date. What was the profit. And how much was spent on what, or whom. How much was spent on renovation of his shop and other such things. Majid was in Kolkata during entire June and July and was regularly entering the details in his diary. The ATS had deliberately implicated him in this false case. The Police were convinced that nobody would dare come forward and bear witness for Majid's innocence in the court. Even if someone stepped forward to bear witness for his innocence, nobody would bring forth this diary as evidence. But Majid himself showed courage and gave this statement on oath and also hired an able advocate to defend him. The public prosecutor tried to rubbish the diary saying it was fake and was prepared at a later date. But they could not produce any evidence to prove that. The diary establishes the fact that Majid was in Kolkata during of July 2006, running his business as usual and that he did not sneak any Pakistani into India from Bongaon border. In a nutshell, he is in no way related to the 7/11 case.

Judge helpless, Police fearless

Right from the day Majid was produced in court, he kept reiterating that he was innocent, yet even an upright and honest judge like Thipsay could not keep the accused away from police custody. Thipsay is the same judge who had granted bail to the accused of the Indian Mujahideen case. He is the same judge who

had ordered for call data records of the accused to be produced in the court. Actually, the judge is not duty-bound to treat the accused police's version of the story as divine truth and grant custody of 14 days. Even he was unable to ascertain why a person whom the police termed a big terrorist was screaming repeatedly that he was innocent. Either the police or the accused must be lying. Who was lying? What was the truth? Even the judges do not take the trouble of pondering over such matters. They just go by the story the police narrate to them.

Role of jail personnel

Majid wrote down all the violations and injustices committed against him and sent it to the MCOCA special court and high court. He did this in just a few days after he was sent to jail. The jail authorities, at the behest of ATS, did not forward his complaint to the high court. The ATS was worried that if it reached the high court, Majid might get some relief. That was why they asked the jail authorities to make his complaint application vanish. This is the true face of jail authorities. It is only for the sake of appearances that the jail police and city police are two different departments. But when it comes to helping each other in all sorts of illegal deeds, they are brothers in cooperation and courtesy.

Defending witness

Muhammad Majid called his brother Muhammad Sajid to bear witness for his innocence in the court. Sajid gave a statement on oath that his brother Majid was a simple guy and he did not have any contact with any organisation, let alone a terrorist organisation. He further stated that during June and July 2006 he was in Kolkata. He did not leave Kolkata ever, including during those days. He used to work at his shop and would enter all details in his diary. He even identified the diary and Majid's handwriting in it. But, despite concrete evidence and defending witness's statement, the court convicted Majid to life time imprisonment.

Accused no. 6 : Shaikh Muhammad Ali Alam Sher

Introduction

My name is Shaikh Muhammad Ali Alam Sher. I stay at Room No. 2, T Line, Plot No. 33, Shivaji Nagar, Govandi, Mumbai-400043. I have been staying here since last 35 years. It is a two-storey building. I stay on the ground floor with my family and my elder brother resides with his family on the first floor. I have studied till tenth standard in Hindi medium. In 2006, I used to sell a product called *Tilismi moti* to various medical stores.

Police threaten me on stopping immorality

During 2006, some others and I from the society forced the closure of video parlours showing blue-films in Govandi. All the owners of these video parlours and gambling dens used to send *hafta* (weekly bribe) to the Ghatkopar crime branch VII. This income stopped due to our initiative. The crime branch was upset with me. They called me to the police station and threatened me: "Stop being a leader. We will implicate you falsely in a fake case unless you stop being a social reformer like Gandhi." They said: "Gandhi is dead, don't try to be another Gandhi." These were the words of Shri Prakash Khatkar, senior police inspector, Shivaji Nagar.

Police begins to harass me

After this incident, whenever there would be a blast or a terror act in the country the police would call me to Shivaji Nagar station, question me and let me go after some time. During the floods of 2005, a lot of our belongings were washed away from our home. It also included a packet containing my passport and other documents. When I went to the police station to complain about my loss, *hawaldar* Mujawar who wrote my complaint did not ask me for a photocopy, nor did he ask me the passport number. Obviously, I did not have a photocopy in those conditions.

No bomb was made at my home

On 8 July 2006, as usual I left home for my job of selling *Tilismi moti*. My mobile was with me. I visited Ramabai Colony, Kamraj Nagar, Lotus Colony, Rafeeq Nagar and Shivaji Nagar selling my product. When I left at 9 am in the morning, my whole family was at my home and my brother's family was also at home. They did not go anywhere the whole day. The next day, on 9 July 2006, it was a Sunday. So, my family and I was at home the whole day. On 10 July 2006, I left home in morning at 10 am and visited Deonar, Mandala and Baingan Wadi selling my product. I returned home at 9 pm in the night. The ATS has invented a false story that the bombs were made at my home on 8, 9 and 10 of July 2006. Mine and my brother's families were at home the whole time. They had not been to visit any of our relatives during those three days. No bomb was ever made at my home. I have seen the other accused of my case for the first time in custody or in jail. I did not know them before that.

Police conceal the evidence of my innocence

ATS chief Raghuvanshi cooked up a false story that the bombs were prepared at my home on 8, 9 and 10 of July 2006. The biggest evidence to falsify this story is: On 28 October 2006, ATS officer Vijay Kamble had summoned my elder brother Hazrat Ali and my wife Saeed-un-Nisa to the ATS office and had recorded their statement. In both their statements it was clearly stated that during all these three days both our families were at home and contarary to the ATS claim, they had not been to any relative to stay there for three days. The ATS has attached these statements with the chargesheet and submitted to the court. Similarly, the ATS called my neighbour, Muhammad Musharraf Khan, and my friend Naseem Siddiqui Qasmi, and enquired about my family and their whereabouts on those three days. They too gave the ATS the same reply. But the ATS did not summon them in the court to bear witness, because that would expose their lies and acquit me from the case.

My location on the day of blasts

I had a mobile number registered in my name, 9224253454. I always carried my mobile with me and kept using it as needed. On 11 July 2006, one of my friend Mazhar's brother expired. I was busy with his funerary rituals from 4 am early morning to 12pm in the noon. Later, I was busy getting a patient Sumaiyya admitted to KEM hospital from 12 noon to 6:30 pm in the evening. It was a friend of my friend Maulana Hussain. Dr. Salman Farsi was also accompanying me at that time. Dr. Farsi has been falsely implicated in Malegaon graveyard blasts 2006. After that I went home and called it a day. At about 8:30 pm, I saw in some news channel that there have been blasts in Mumbai local trains.

ATS officer records my statement

On 12 July 2006, I went on my job in the Mumbra area. When I returned home a *hawaldar* came from the police station and told me that ATS officer Satish Gaikwad had called me to Chembur. I went with him to the said place. There the officer recorded my statement. He asked where I was on 11 July 2006, on the day of blasts. I told him the fact. He later noted my mobile number and also gave me his mobile number, which I noted down in my diary. Meanwhile, I misplaced the diary only to be later found during June 2012 by my wife. Gaiwkad's number is 9969102939.

My statement at Shivaji Nagar PS

On 13 July 2006, after a hectic day I returned home at 8:30 pm. At about 11 pm in the night, *hawaldar* Mujawar came to my house and told me that senior inspector Shri Nimman had called me to the station for half an hour. I went with him. I found many people sitting there. Probably they too were called for an enquiry like me. Later my statement was recorded there and my signatures were taken on them. I saw that Dr. Salman Farsi had also been summoned there and his statement was recorded. I knew him as he was my neighbour. His hospital is situated near my home. His wife runs a clinic from home. Another member of our locality, Manzoor Ahmad's, statement was also recorded. Later I was locked up along with many others for the whole night. In the morning when the senior inspector came, I asked him; "You said you had called me

for only half an hour and now you locked me up for the whole night! Why?" He tried to pacify me saying, this is only an enquiry of the bomb blasts that occurred two days ago and we would be let go after the noon prayer.

Statement at crime branch

At about 11:30 am ATS Officer Sanjay Khaire arrived with his Vikhroli unit staff. He too recorded my statement in the context of 7/11 blasts. I read the statement, found it correct and signed it. In every statement I gave I made sure I mentioned it precisely that I did not know anything regarding the 7/11 blasts. At about 12:30 pm crime branch unit VII, Ghatkopar police inspector Shripat Kale and staff arrived. He too recorded my statement once again. I agitated before him as to why I was being called to the station repeatedly and harassed? He told me: "The police have turned your enemy, ever since you tried being a hero by shutting down the video parlours and *matka* businesses." [*Matka* is a poor man's form of gambling]. He let me go and called me to the Ghatkopar unit office in the evening. I went home for some time, stayed with my family and headed to the Ghatkopar unit office in the evening. Senior inspector Uday Singh Rathod was present there. He again recorded my statement. I was made to sit near the lockup. Many others also were brought for questioning. At last, at about 9 o'clock in the night, I was let go home.

On 17 July 2006, 9 am in the morning, a *hawaldar* from Ghatkopar unit office VII visited my home and informed me that S.I. Rathod had summoned me to his office. He also gave me his mobile number which I noted down in my diary. The number was 9870342121. I have submitted that page from my diary in the MCOCA special court. I went there at about 11 am. S.I. Rathod questioned me in the context of 7/11. He recorded my statement. I read it, found the content correct and signed it. After making me sit there for about 4-5 hours they allowed me to go home.

On 19 July 2006, officer Shailesh Gaikwad called me to Nagpada office. He produced me there before DCP Naval Bajaj. DCP Naval recorded my biodata since birth, in two pages, took my signatures and threatened me not to leave Mumbai. He also asked me to show up as and when asked. I was let go in the evening and I returned home.

On 13 July 2006, at about 9:30 am in the morning *hawaldars* Vijay Ambekar and Tatogde came and took me to Vijay Salsakar's ATS office Kurla. They gave me their mobile numbers and asked me to give them to my family. I noted down both their numbers in my diary. They were: 9870160425 Vijay Ambekar's and 9870157102 Tatogde's I have submitted this page from my pocket diary in the MCOCA special court. Inspector Alaknure recorded my statement at the Kurla office and I was later allowed to go home in the evening.

On 21 July 2006, a *hawaldar* took me from my home to the ATS office. There yet again Alaknure recorded my statement, detained me for 3-4 hours and let me go with the threat not to leave Mumbai and to report whenever summoned. On 26 July 2006, again another *hawaldar* informed me that I was being called by inspector Kadam, crime branch unit. I complied. They again recorded my statement and let me go in the evening.

Police officers confess that I am innocent

On 31 July 2006, at about 9 pm Redekar Commander, ATS office Nagpada, came to my home and told me that Shailesh Gaikwad had called me. I went with him. He took me to Ghatkopar Mankhurd link road where Gaikwad was sitting in a [Toyota] Qualis. He told me he wanted to take me to ATS chief Raghuvanshi. At about 10 pm we reached Nagpada office. I saw a man with both his hands tied above his head. I had seen him for the first time in my life. Later in jail I came to know that it was Ehtesham Siddiqui, one of my co-accused in this case. Gaikwad handcuffed me too and made me sit. I asked him, "Why am I being bound like this?" He told me I would be released tomorrow. I asked him to at least inform my family, but he did not do so. They kept me handcuffed the whole night and did not get me anything to eat or drink. I asked him to let me go. He said I would be released in the evening and told me that I would be taken to Vijay Salaskar's Kurla office with PI Mayekar. I was handcuffed and made to sit in a torture room. I was starving as I had not eaten since the past night. They gave a *roti* (bread) and some *daal* (lentils). Vijay Salaskar came late in the evening and I was produced before him. I asked him why I was harassed repeatedly and detained while I had no connection with the 7/11 blasts. I told

him that my family was getting worried due to these repeated calls. He assured me that I would be released within 3-4 days, but it did not happen. I complained to Vijay Salaskar about my unjustified detention. He again assured me by saying: "We know you have no role in 7/11 blasts, but we will release you in 4-5 days." Throughout this episode, my mobile was always with me and was on.

Officers Alaknure, Dalvi, Mayekar and Salaskar would keep cautioning me not to talk much to my family. They asked me to limit my conversation only to inform that I was fine...etc. They threatened me to ask my family not to go to any person of influence nor hire an advocate or else they would implicate me in the blasts case. Accordingly, I told my family the same. Hence, they did not file any missing report or complain against my illegal detention at any police station. They kept assuring me that they knew I was not involved in this case, yet they continued to detain me illegally.

Police destroy my mobile data

Throughout this illegal detention I was neither produced before any magistrate nor allowed to meet an advocate, nor was I taken for any medical checkup. During my illegal detention my statement was recorded several times. Officers Shailesh Gaikwad, Alaknure, constables Tatogde and Vijay Ambekar used my mobile to talk to their family and friends. During August 2006, *hawaldar* Awate used my mobile to talk to one of his friends, Ramesh (Kalwawala), for about an hour. Inspector Bagwe retrieved complete call data record and cross-checked with me regarding each number. He had called Ramesh (Kalwawala) to ATS office Bhoiwada and had asked him whether he knew me. He replied in negative. On further questioning Ramesh told him that *hawaldar* Awate had called him using my number. A frustrated Bagwe rebuked me that he had retrieved my CDR of past one year, but most of the numbers he had found in it were of none other than ATS officers themselves. The ATS kept me in illegal detention for entire two months and the biggest evidence of this is my CDR and mobile location. The ATS deliberately chose not to submit my CDR and mobile location to the court. Later, after much pressure from the high court, the data

was submitted, but that too was partial and tampered with at the behest of ATS.

I saw my co-accused for the first time

During my illegal detention at the ATS Kurla office many others were brought and were questioned. I saw accused no. 3 Faisal Shaikh and accused no. 10 Suhail Shaikh in Kurla office for the first time in my life. Faisal's father and two other men named Ashraf Qureshi and Muhammad Alam Qureshi (who later turned witnesses) were also brought there. Similarly, I saw Abdur Rehman Dawre for the first time there. We were both detained together for 3-4 days. Dawre has mentioned this to the court in his statement.

During my illegal detention I was allowed to meet my brother and my wife for only about 2-3 minutes twice. The ATS repeatedly kept cautioning me to tell my family not to hire an advocate. I pleaded several times before them that I was innocent. They used to answer me saying: "We know you are innocent. Yet, you will have to be here for some days." In this manner I was detained illegally from 31 July 2006 to 7 September 2006.

Police celebrate blast at masjid in Malegaon

On 8 September 2006, at about 2 pm, while I was sitting handcuffed at the ATS office, we saw a news running on the TV screen. The news said that there had been bomb blasts at a masjid in Malegaon. It was Friday and police inspector Mayankar was sitting there watching TV. When he saw the news of blasts in a masjid, he broke into laughter and started celebrating. He said: "Bajrang Dal men have come into action now!" The whole staff started rejoicing. And the irony is that I was later implicated in Malegaon blasts.

"Yes, you are innocent": ATS chief

On 9 September 2006, in the evening hours, Vijay Ambekar took me in an auto-rickshaw from Kurla ATS office to Sion and from there he took me to ATS office Nagpada in a taxi. Inspector Dinesh Ahir handcuffed me and made me sit in the torture room. I saw Shailesh Gaikwad there and asked him "why?", but he gave me no answer. The next day, I again asked Dinesh Ahir the same

question, but he feigned ignorance and asked me to ask the one who had brought me there.

Two days later, on 12 September 2006, Dinesh Ahir and Shailesh Gaikwad took me to the first floor of the same building, to ATS chief Raghuvanshi's chambers. I had the following conversation with him:

Me: "Sir, I am innocent. I have been detained illegally since almost last two months. I am the lone bread winner of my family. My family is worried due to my illegal detention. These people have recorded my statements repeatedly and I am sure you are aware of it. I do not have any role in 7/11 blasts. Please have mercy on me and let me go."

Raghuvanshi: "I know you are innocent, and you do not have any role in 7/11 blasts."

Me: "Sir, then please have mercy on me and let me go."

Raghuvanshi: "Actually, we are in search of a person named Muhammad Naeem Tailor, who stays at Road No. 7."

Me: "Sir, let me go. If he does stay in my locality, I will search him out and bring him to you."

Raghuvanshi: "No, no. If we do not find him, we will fit you in this case (Raghuvanshi said this in cold-blood)."

Me: "Sir, please do not do this. My whole family will be ruined. Please let me go, Sir!"

Raghuvanshi: (in a mock laughter tone) "Officer Shailesh Gaikwad will let you go tomorrow."

Police continue making false promises

Raghuvanshi had mockingly said Shailesh Gaikwad would let me go tomorrow. As the promise was not intended, I was not released the following day. Then they took me to ATS Nagpada office, handcuffed me and locked me up. On 17 September 2006, Dinesh Ahir and Redekar Commander took me to a photo studio and took my pictures. They gave me a slate to hold in my hand with something written on it. They took 3-4 pictures. Meanwhile, my family came to meet me. The ATS officers let me meet them but also threatened me to ask them not to hire an advocate for my defence. On 24 September 2006, Shailesh Gaikwad called my elder brother to the ATS office at Chembur. Shailesh had assured my brother that I would be released before *Ramadan*, but it did not

happen. 25 September 2006 was the first day of the holy month of Ramadan. On that day Dinesh Ahir brought an accused to my lockup and asked me whether I knew him. I saw him for the first time in my life. I told Ahir that I did not know him. That day he was locked up with me in the same cell. I broke my fast with him. Later I came to know that he was accused no. 7, Sajid, implicated in this case.

On 26 September 2006, Raghuvanshi chanced to come down to the ground floor and passed by my lockup. I once again pleaded him to let me go. He asked me to wait for 2-3 days. In about one and a half hour after this conversation Vasant Maruti Tajne and Sachin Kadam came to my lockup and started snatching away all my belongings, including my mobile, licence, some of my financial slips etc. Sachin Kadam started hurling abuses at me and kept kicking me with his boots. Then Redekar Commander too came and slapped me several times. A few moments later Gaikwad came to me and assured me again that I would be released on 29 September 2006.

Failed to arrest the real culprit, so fit in the innocent one

On 29 September 2006, inspector Dinesh Ahir took me to Bhoiwada lockup. Police inspector Mandge interrogated me for 2-3 hours. After that they covered my face with a black mask. I asked Ahir: "Sir, you had promised to release me today. But what is this you are doing? He said: "So far you were just a suspect, but now we are going to make an accused out of you. We have failed to catch the real culprits. So, we are implicating innocents like you in this case. There is a lot of pressure on us from the Central government to solve this case at the earliest." Sachin Kadam threatened me not to say anything to the judge. If I did so, he would bring me back to the lockup and beat me again. At about 3 pm in the afternoon I was taken to the Sewree court. I was intimidated and threatened. Hence, I was unable to say anything to the judge.

Family threatened not to hire an advocate

After the court they took me to Kalachowki ATS office. Inspectors Tajne, Kadam and Kolhatkar started beating me with belts. Tajne told me they were taking me to my house. He threatened me to

keep my mouth shut at my house or else they would strip me naked right in front of my family and beat me. They then handcuffed me, put a black mask on my face and took me to my house. I asked them what was this all about. They told me that ACP Kishan Shenghal wanted to see my house. My wife and my brother were not home. They had been to ATS Nagpada as they were promised my release that day. My children Rizwana, Ammara and Suhail had seen me after almost two months. When they saw me masked and handcuffed, they started crying. My elder brother, who was upstairs, came down. I told him that the ATS had implicated me falsely in 7/11 blasts case. I asked him to hire an advocate for me. Inspector Arun Khanvilkar, who was right beside me, on hearing this got infuriated and threatened my brother not to hire any advocate or go to any person of influence for help. Or else, they would torture me more. He said he would make the lives of my family miserable. In the meanwhile, my wife returned from Nagpada. I informed my wife that the ATS had implicated me falsely in 7/11 case. She felt shocked and deceived. She broke into tears and started lamenting that the ATS had deceived us. They had promised to release me that day and now they were falsely implicating me in the case. I asked her to hire an advocate to defend me. Khanvilkar again did the same thing. He hurled abuses at my wife and asked if we had too much money to spend on advocates and such things.

Police prepare a fake *panchnama*

ACP Shenghal and Khanvilkar went to the first floor of our building and brought a seven-year old cooker. It was used that day to cook food and the food was still there in the cooker. They told my family that they would return the cooker the next day. They did not take anything else from my home. There wasn't any *pancha*-witness present at that moment. No *panchnama* was prepared that day at my house. Later they forged a fake *panchnama* and took signatures from their regular *pancha*-witnesses. The next day Kolhatkar took my signature forcibly on this fake *panchnama*. Despite my repeated requests he did not let me read it.

They misbehaved with my wife

The police took me to Bhoiwada from my home. From then they started a daily routine of torturing me. Every day in the holy month of Ramadan they would take me from Bhoiwada to Kalachowki ATS office, strip me naked, blindfold me and make me stand for the whole day. I was made to starve day in and day out. I was not allowed to even perform my *iftar* (break my fast at sunset). They would tie me to a meshed window located quite high, so I could not get to sit. One day I saw from the window and noticed that my wife and my brother had come to see me. It was about 7 pm in the evening. My wife had brought some food for me. ACP Datta Dhawle threatened my wife. He misbehaved with her and said this food was not meant to be given to a terrorist, but only to be thrown away. He kicked away the food and did not let my family meet me. During these days I was taken to the hospital but only for the sake of formality, as Sachin Kadam threatened me not to tell anything to the doctor.

Dr. Malini, hand in glove with the police

On 16 October 2006, I was taken to Bengaluru without intimating or asking me. I saw DCP Naval Bajaj there. I saw him talk to Dr. Malini for about two hours. I was subjected to narco test there. Dr. Malini repeatedly asked me about Malegaon blasts. She would slap me and pull my ear with a pliers to inflict pain on me. Since I did not know anything about the Malegaon blast, I was unable to give any answer. She then changed her question and asked me: "How many rooms are there in your lockup?" I said: "Four."

Later when the CD of my narco was shown to me, the ATS had cunningly edited it to make it look like I have confessed to a role in the 7/11 blasts. The edited version looked like this:

Doctor: "In how many places had you placed the bomb in Malegaon?"

Me: "Four."

This is how Dr. Malini and ATS fabricated a fake CD of my narco-test by tampering with the original data. Dr. Malini played a major role in falsely implicating me in this case. ATS officers Tajne, Sachin Kadam, Khanvilkar and others would torture me and tell me that I had already confessed to my role in 7/11 during my narco

test. I would rubbish their claim saying such a thing was totally impossible. I would insist on them to show me the CD of my narco. They would linger the matter saying they would show it tomorrow. Whenever I asked them to show me the CD, they would start torturing me. They would throw the photos of those injured and deceased in the 7/11 blasts and say: "You have committed these blasts." I would deny the allegation and they would begin torturing me.

Proved my statement true through RTI

I sent an RTI to the Shivaji Nagar police station and asked them to confirm that I was called there for enquiry soon after the blasts, on 14 July 2006. They replied in positive and confirmed: "Yes, Muhammad Ali was summoned for enquiry." I submitted the RTI reply to the court. Similarly, I also sent a query to the crime branch unit VII Ghatkopar and asked them to confirm whether they had summoned me to their office for enquiry in the context of 7/11. The crime branch sent a positive reply. I have submitted a copy of RTI reply to the court.

Memorise the police's version

On 12 October 2006, after constantly torturing me for the whole night Sachin Kadam came to me and asked: "What did you say last night?" I said: "I swear on my children's lives that I am innocent and I do not have even the slightest inkling about this case." He then took me to Raghuvanshi. I complained to him that these people had been torturing me throughout the night. I was innocent. I asked him to please let me go. He told me: "Just do as we say. We are implicating you in Malegaon and 7/11 cases. You will have to narrate the stories about how you did the Malegaon and 7/11 blasts. We will prepare the story for you. You just have to memorise it and narrate it before the camera." I broke into tears at these horrible words. Raghuvanshi got infuriated and said: "This one seems very tough. He is not going to agree easily. Take him away. Torture him so much that his face gets disfigured and nobody is able to recognise him." With these words Raghuvanshi himself started thrashing me and the rest followed. Inspectors Alaknure, Tajne, Kadam, *hawaldar* Bagwe and Bhai Commander stripped me naked and began torturing me. ACP Dhawle uttered

vile abuses about my wife and threatened me that they would drag all my family to the lockup and strip them naked. Raghuvanshi, who had left the room, came back after some time and again threatened me: "If you do not do as we say we will kill you in a fake encounter like we killed Khwaja Yunus. It is nothing but a child's play for us. Nobody will even raise a finger at us. We will implicate your family too in the blasts case!" They dislodged both my shoulders joints with torture. I was unable to bear the pain and kept screaming. Nobody lent an ear to my pain and screams. They just continued inflicting more and more pain on me. Raghuvanshi again repeated his threat of fake encounter. He took out a diary from his pocket and read out six names. He told me that he wanted me to invent a story implicating these six men in Malegaon blasts. The names were: Dr. Salman Farsi, Shabbir Masiullah, Noorul Huda, Rais Ahmed, Dr. Wahid and Wajid.

After thrashing and torturing me for the whole day Tajne asked me to do as they ordered. He said: "We will provide you with the written story on 7/11 and Malegaon blasts. You just have to memorise it and repeat it. Inspector Gaikwad will help you memorise the story." I again insisted that I was innocent and asked them to let me go. They again started beating me and kept at it till late night. At last, they left me in the dark room.

Broken due to torture

Next morning on 22 October 2006, Sachin Kadam and Sangram came to me and asked me what I had to say now, whether I was ready to narrate their story or not yet? When I told them that I was innocent, they started beating me again. They tortured me mercilessly to the extreme. Finally, I was broken. I was shattered and started pleading to them: "Sir, please stop torturing me. I will do whatever you ask me to do." Sachin Kadam mocked me saying: *"Ab tu line pe aaya!* (Now you are behaving!) Now you are speaking the truth." (For him truth was his own concocted story.) Inspector Gaikwad gave me two set of papers. One had the Malegaon blasts story while the other had 7/11 Mumbai blasts story written on it. He asked me to memorise them and told me that they would record my narration on camera. He said they would show the recording to their higher authorities. They then took me to the Kalachowki, wherein I was made to sit in an air-

conditioned room and my "recitation" was recorded on camera. Needless to say, they were all false stories written by the ATS.

Recording at gun point

Gaikwad again gave me the copy of their stories and told me that the previous recording was not good enough. He said I would have to recite both the stories once again. I objected to him and told that the stories said the bombs were made at my house on 8, 9 and 10 of July 2006 and that some Pakistanis had visited my house. All of this is false. Miffed at my words Sachin Kadam said: "You are starting the old drama again? Want to get beaten again? Just shut up and start memorising the stories. Or, else..." With these words, he took out his gun and pointed at my forehead. Terrorised, I began memorising the stories. At last, they started the recording. When I started reciting the stories, Sachin Kadam and other ATS men would keep prompting me to narrate the story in a natural manner, with a smile on my face. They would coach: "Say it like this, say it like that. Sit in a relaxed manner with your one leg above the other. We have to show this CD to our higher authorities." I was fear-stricken. Hence, I complied and did as they said.

Offered money to turn approver

On 23 October 2006, in the morning, the ATS man Sachin Kadam asked me to take a bath and gave me new clothes to wear. They took me to ATS chief Raghuvanshi.

Raghuvanshi: "Muhammad Ali, recite the story!"

Me: "The bombs were made at my home. Pakistanis had been to my home. I have done the 7/11 bomb blasts." (I recited to him both the stories of 7/11 and Malegaon blasts that they had given me to memorise.)

Raghuvanshi: "I was telling you to do this right from the beginning. But you would not listen. You needlessly had to go through this pain and torture for last four days."

Me: "Sir, have mercy on me!"

Raghuvanshi: "Yeah, sure. Now you will recite these stories before the Mumbai police commissioner AN Roy, DCP and chief metropolitan magistrate.

Me: (in fear) "Yes, Sir."

Raghuvanshi: "I will make you an approver and get you out of jail within two months."

Me: (just stood there looking at him)

Raghuvanshi: "We have not found anything at your home, right? But you will have to listen to us and narrate the stories for us. We will give you Rs 10,000 per month and Rs 1 lakh to start your business.

Me: (I was unaffected by the offer. I just stood there in silence.)

Raghuvanshi: "It is better for you to listen to us. I am a Raghuvanshi and I always keep my words. *Praan jaae par vachan na jaae*. [I would rather die, than break my promise] I never break my promises. But if you do not listen to me, I will implicate you in Malegaon blasts and implicate your family too. You can keep rotting in jail."

Me: "Sir, I will agree to whatever you say. Just don't implicate my family. Please!"

Pressure on relatives to make false statements

On 23 October 2006, they pressurised me to tell my parental uncle's address and took me to his home in Govandi. My aunt was at home. ATS officers Kolhatkar and Jadhav started beating me in front of her and told her to say that my (Muhammad Ali's) family had been to her house on 8, 9 and 10 July 2006. My aunt was scared at the sight, but she replied in negative and persisted in telling the truth that my family had never been to her house for 3-4 days. The ATS immediately took me away from there.

On 24 October 2006, Raghuvanshi came to Kalachowki. Commissioner AN Roy was also with him. I was again asked to recite the story and I did so. Roy approved of my recitation and said: "We will turn you into an approver and get you out of jail within two months. You will have to confess before the DCP or else we will implicate you in Malegaon blasts too and implicate your family in the 7/11 blasts case."

Sadist DCP

After commissioner AN Roy left, I was again tortured. Inspector Kolhatkar and a *hawaldar* took me to DCP zone IV, Matunga. Kolhatkar threatened me on the way not to say anything to the DCP or else he would torture me further. "Anyway, the DCP is

going to do just as we say," he said. DCP Dattatraya Karale asked me my name and address and nothing more.

I gathered some courage and said: "Sir, these people have been torturing me since last 3-4 days and have falsely implicated me in this case.

DCP: "Seems like they have not beaten you enough. You should have been beaten some more."

Me: "Sir, see these marks (I tried showing him the marks of torture on my body.)"

DCP: "Stop this drama now, and just sign on these papers with date."

Me: "Sir, what is written in it? I want to read it"

DCP: "Just shut up and sign the papers. Or else you'll be beaten further."

Forced to sign on confession papers

On 25 October 2006, I was taken to DCP Dattatraya Karale. Inspector Kolhatkar again threatened me not to speak before him and said if I spoke again, he would start beating me right in front of him. He repeatedly asked me to keep quiet and sign when told. Just like the first day, the DCP did not ask me any question. He forcibly took my signature on 13-14 pages. I was intimidated by the threats of Raghuvanshi and AN Roy, so I signed on the papers. I did not make any confessional statement before the DCP. The confession was not recorded in my presence. Neither was it read to me, nor was I allowed to read it. Whatever document is submitted in the court as my confessional statement is nothing but a false story invented by Raghuvanshi, Roy and their men.

Within five minutes I was taken out of DCP Dattatraya's office. From there I was taken to a home. I saw a person sitting there. They took me before him (as if they were producing me before some higher official). The police gave him two envelopes. This mysterious, unknown higher officer did not ask me any question nor did he ask me to sign anywhere. I was immediately taken to Bhoiwada and locked up. I was not taken for any medical checkup, nor was I produced before any judge.

Threatened my wife and family to make me sign

On the same day, 25 October 2006, inspector Kolhatkar summoned my wife, my uncle and his son Muhammad Hussain to the ATS Kalachowki office. Tajne and Sachin Kadam were pressurising my uncle to say that my family had been to his house on 8th, 9th and 10 July 2006. My uncle rejected it outright, calling it a lie. They again pressurised my wife to bear false witness that they had been to my uncle's house on 8, 9 and 10 July 2006. My wife persisted with the truth and refused to say the false story. They wanted to take my wife's signature on some papers. They were threatening her that if she did not do as they said, they would kill me and also implicate some others of my family in a fake case. But my uncle and my wife did not budge. My wife did not sign any paper. They detained my wife and uncle for 4-5 hours illegally.

Threatened not to say anything to judge and advocate

On 26 October 2006, in the morning, the ATS took me to Kalachowki. Raghuvanshi, Khanvilkar, Tajne and Kadam were present there. They said:

Raghuvanshi: "We are producing you in the court today, but you will have to keep mum there."

Me: (frightened) "Yes, Sir."

Raghuvanshi: "You will not say anything to the advocate too."

Me: "Yes, Sir."

Raghuvanshi: "If you complain to the court that you have been falsely implicated in this case, I will implicate you in Malegaon blasts case..."

Me: "Sir."

Raghuvanshi: "... and if you do not agree to turn approver for us, we will harass your family and implicate them too in this case."

Me: (I just kept looking at Raghuvanshi in fear)

Raghuvanshi: "I will come to meet you in jail! If you do as I say, I will get you out of there within two months."

I was then produced in MCOCA special court, Mumbai. The ATS threats got the better of me. I kept quiet in the court. I was then sent to Byculla jail. The next day I was sent to Arthur Road jail from there. I was kept secluded from my co-accused with three elderly follow inmates.

Biased jail staff

On 30 October 2006, in the afternoon, jailor Govind Patil took me out of my barrack to jail superintendent Swathi Sathe's office. ATS officer Sachin Kadam was sitting there with Sathe. He asked me if I remembered properly what *bade sahab* (Raghuvanshi) had told me? He said: "Your next date is on 9 November 2006. Do not say anything in the court! If you do, we will take you in police custody for Malegaon blasts and torture you!" I did not say anything to him due to fear. I was then taken back to my barracks and locked up.

Raghuvanshi's visit of threat

On 3 November 2006, at about 8 pm I was taken to Swathi Sathe's office. Raghuvanshi was already there.

Raghuvanshi: "You remember your promise, right? You keep your promise. I will keep mine."

Me: (silence)

Raghuvanshi: "Do not say anything to the court or your advocate on the next date."

Me: (no reply)

Raghuvanshi: "I will get you out of jail in about two months."

Me: (no reply)

Raghuvanshi: "If you say anything against us in the court on 9 November 2006, we will take you in police custody for Malegaon blasts case and also implicate your family in the case."

Me: "Sir, please! Have mercy on me. Don't implicate me in another terror case. I am innocent and you know that very well." (I was in tears.)

Raghuvanshi: "We will meet soon in Malegaon blasts case."

Similarly, on 6 November 2006, at about 8 pm in the night, I was taken out of my cell to Sathe's office. ATS officers Vijay Salaskar, Mayekar, Alaknure and *hawaldar* Ambekar were present there. We had this conversation there: I asked Vijay Salaskar: "Sir, do you have kids?"

Salaskar: "Yes, why?"

Me: "Sir, swear on your kids and tell me what role I have in 7/11 and Malegaon blasts?"

Salaskar: "Ali! I know you have no role in either of the blasts. You are totally innocent!"
Me: "Then why am I falsely implicated, Sir?"
Salaskar: "I am a helpless man. It is the higher authorities who are implicating you. I detained you two months ago the orders of ATS chief Raghuvanshi."
Me: "Sir, please let me go."
Salaskar: "I am a helpless man. There is nothing I can do."
Me: "Please have mercy on me and my family!"
Salaskar: "Listen, Ali. Do as the ATS chief says. You'll be on the gaining side."

He left with these words.

Police stop my family from visiting me in jail

On 3 and 4 November 2006, my brother Mukhtar Ahmad came to meet me at Arthur Road jail, but despite court orders, superintendent Sathe at the behest of ATS did not let him meet me. Later only, after Advocate Anjali Iyer's intervention, my brother was ultimately allowed to meet me. I told my brother how I was falsely implicated in 7/11 case and how they tortured me to make me sign on the confession. I told him that I had not made any confessional statement before the DCP and that the whole story was fake, invented by the ATS. I told him how I was subjected to third-degree torture, how I was being threatened to be implicated in Malegaon blasts, how my family were also threatened with false implication. I told him names of all officers who had tortured, threatened and asked me not to speak in court. Finally, on 7 November 2006, my brother submitted a detailed complaint in MCOCA special court with the help of my advocate.

On the same day, at about 5 o'clock in the evening, I was taken out of my cell for a few minutes and made to stand with some inmates. Some men were brought in to identify me but nobody was able to do so. I was taken back to my cell in a few minutes. I saw the witness Amar Khan Sardar Khan for the first time in court. He had not been to the prison for the identification parade, let alone recognising me there. He later recognised me in the court, only after being coached by the ATS.

On 7 November 2006, I was taken to MCOCA special court. I mustered courage and submitted a detailed written complaint

against the ATS through my advocate. I complained to the judge that the ATS had repeatedly been threatening to implicate me in the Malegaon blasts. The judge took my complaint on record.

Implicated in Malegaon blasts

At last, on 13 November 2006, accused no. 13 (Asif Khan) of this case and I was implicated in Malegaon blasts. The ATS produced me before the same judge, whom I had complained that the ATS was about to implicate me in Malegaon. Yet, the judge treated the ATS's concocted story like divine truth and sent both of us in police custody to be tortured again.

On 15 November 2006, Raghuvanshi and Sachin Kadam came to see me in Bhoiwada lockup.

Raghuvanshi: "You did not listen to us and complained against us in the court."

Me: (scared and silent)

Raghuvanshi: "You have seen my good side so far. Now you will see the bad side of me."

Me: (still scared and silent)

On 17 November 2006, I was taken to Kalachowki. DCP Bawaskar and ATS officer Tajne were present there. They started thrashing me and during that the conversation followed:

DCP: "Had you agreed to our terms, you would have been saved."

Me: "Sir, don't implicate me in both cases. Please!"

DCP: "You will have to become an approver in both cases. We will get you out of both cases."

Me: "Sir, please have mercy on me."

DCP: "If you don't do as we say, we will implicate you in Malegaon blasts case too and get you sentenced to double capital punishment."

Then they started inflicting third-degree torture. I began vomiting and passed blood in my urine. I was shattered due to the torture.

Threat to implicate my brother in bomb blast case

On 20 November 2006, DCP Bawaskar and DCP Shengal called me to the Kalachowki torture room. My elder brother was brought there. DCP Shengal threatened me that if I did not sign the confession papers, they would implicate my elder brother too in

7/11 blasts case. Listening to this we both broke into tears. Shengal said: "No use of crying now. Just do as the higher officers are asking you to do. We will later get you out of both the cases."

My CDR contains ATS calls

Inspectors Shailesh Gaikwad and Bagwe came to my lockup at Kalachowki with my call data record and started enquiring about it from me:

Inspector Bagwe: "9224253454 is your mobile number, right?"

Me: "Yes, Sir."

Bagwe: "This is your CDR of previous one year."

Me: (Looking at the document.)

Bagwe: "You son of a bitch! There is not one number of any of your friends. All the numbers in your CDR are of ATS or crime branch."

Me: "Yes, Sir!"

Bagwe: "Why did you keep calling the ATS and crime branch from Kurla lockup?"

Me: "Sir, I was detained by Vijay Salaskar at Kurla ATS lockup for two months. During this illegal detention, ATS men used my mobile phone to call their family and friends."

Bagwe: "So, you did not make those calls?"

Me: "Sir, the ATS allowed me to receive calls only. They were only the calls from 'medical stores'. They used to ask me for the product *Tilismi moti* that I used to deliver it to them."

Bagwe: "You don't know any SIMI member? There is not a single SIMI member's number."

Me: "Sir, there is no other number in my mobile. Please."

Bagwe: (Hurls abuses at me in anger.)

Me: "Sir, this CDR itself is the biggest evidence of my innocence."

Then Bagwe enquired from me about each and every number in detail as to whose number it was, why had I called, what conversation we had *etc.* He then cross-checked each number and left after some time. Later, the ATS deliberately concealed my CDR and did not submit it in the court.

Threatened to sign

On 4 December 2006, ACP Shingal and Inspector Sanjay Khaire took me to Raghuvanshi and Subodh Jaiswal. Raghuvanshi made his proposition again to me that if I did as he said, he would take me out of both the cases in about two months. I started weeping. I said I was innocent. I pleaded with them not to implicate me falsely. He asked me to sign on the fake confession papers without any fuss. Or else, he would implicate my brother too in the Malegaon blasts case.

Fake confession in Malegaon case

On 4 December 2006, Inspector Sanjay Khaire and staff took me to DCP Ashok Dumbre. Khaire threatened me to sign the confession papers quietly, or else he would take my custody and torture me ruthlessly. I was sick those days. I did not have any will or energy to stand the torture. I just signed the papers. The DCP did not ask me even a single question. On the contrary, he pressurised me to sign the fake confession papers. I did not know what was written in those papers. I was then lodged in NM Joshi Marg police station lockup. I was taken back to the DCP the next morning and was made to sign the 8-10 sheets of paper. I was intimidated by the threats of the ATS. So, I just signed the papers quietly. On 6 December 2006, I was taken to a magistrate. I mustered courage and complained to the magistrate that I was innocent and was falsely implicated and that I had not made any confession etc. I noticed that Sachin Kadam and Kolhatkar came near cabin and started listening to what I was saying. I got scared by their tiptoeing. The magistrate wrote something on a paper and asked me to sign it. I was intimidated by the presence of the ATS. So, I just signed it without reading. Later I came to know that the magistrate had noted down only a part of my statement.

On 6 December 2006, I was taken to MCOCA special court. I gathered courage and spoke before the magistrate. I also told him that I had already complained about the same before a magistrate. The special judge took my statement on record.

Police sell my confession CD to news channel

During my custody, the police had given me two false stories, implicating me in 7/11 and Malegaon blasts. I was made to memorise them and recite them before the camera. The police recorded this false confession and sold its CD to the media. The video was telecast on 11 July 2007, on Star News (now ABP News) and Aaj Tak. All this was done to defame me and I was projected as a terrorist. I complained regarding this to the MCOCA special court. The then home minister of Maharashtra, RR Patil, had ordered an enquiry as to how this CD got leaked. He constituted a committee to conduct on enquiry and submit the report. But even to this day, they have not submitted any report. I filed an RTI and enquired with the home ministry of Maharashtra regarding the developments in the enquiry. I have submitted the query reply to the court.

I refuse to meet ATS men in jail

On 7 November 2006, the jailor of Arthur Road of jail, Govind Patil, took me out of the jail and into his office. He told me ATS men have arrived and they would be meeting you. I protested before him saying:

Me: "You know the fact that these ATS men have falsely implicated me in two terror cases. Yet, you are repeatedly allowing them to meet me to harass me further? I do not want to meet them."

He cunningly changed the topic and said: "No, no... I am actually sending you to the jail hospital. Do not tell this to your co-accused inmates."

The jail staff is supposed to record in the *anda* barrack register whenever they take us out of there. But he did not enter my name in the register and I was taken out illegally. I complained regarding this to the court in writing.

On 28 June 2006, Govind Patil came to me and said: "You all have been transferred to Kolhapur, Nagpur, and Ratnagiri jails I asked him to show me the orders. He said he has the orders but he won't show it to me. Then I heard some sounds which seemed like my neighbouring cellmate Dr. Tanveer was being beaten up. In a few moments I heard the jail alarm and then I too was dragged

out of my cell and beaten up. We were dumped into escort vehicles like animals and sent to Nagpur. This was the jail staff's way of punishing us for complaining against them.

NIA vs ATS: Wrongly implicated in Malegaon

The ATS implicated me and eight others falsely in Malegaon blasts case. The CBI too followed in their footsteps and proved their loyalty to their political masters. But the NIA, on the other hand, arrested four Hindu men and said that we eight had no role in Malegaon blasts. They gave their no-objection certificate to our bail. The court ultimately released us on bail.

"Just for time pass!"

Crime branch Ghatkopar implicated me in another terror case after the previous two cases. It was a handiwork of crime branch unit VII officer Shripat Kale. I happened to encounter him 4-5 times near the court room. I asked him why he did what he did. Weirdly enough, he said: "Just for time pass!" Crime branch forged some documents, submitted them in the court in my advocate's and my absence and took me in police custody.

Legal action against policemen harassing my wife

Since I complained to the MCOCA special court, against AN Roy and Raghuvanshi, the ATS, the crime branch and the local police, all of them started harassing my family. The police barged into my home at midnight and thrashed my 12-year old son. Initially, my family did not complain against this due to fear of reaction by the police. But how long could they bear such waywardness, including children? At last, my wife prepared a detailed complaint against the police and submitted it to the Mumbai police commissioner, high court, chief metropolitan magistrate, Minority Commission, Shivaji Nagar police station and many others. Then my wife and I sent RTI queries to various police officers as to what action had been taken regarding the complaint. We did not get any proper answer. I therefore appealed to the MCOCA special court to take action against the policemen who had harassed my wife during these past seven years. My wife developed hypertension (high blood pressure) and diabetes due to constant harassment. The

names of the policemen who harassed my wife are Shailesh Gaikwad ATS, Khadiganwkar crime branch unit VI, Chembur, and Shivaji Nagar police station staff.

The police implicated me in three cases

I was implicated falsely in three cases, namely, 7/11 blasts case, Malegaon blasts case, and Ghatkopar case. I am innocent. I was never a member of SIMI. I have never known any member of SIMI till today. No conspiracy was hatched, nor was any bomb prepared at my house on 8, 9 and 10 July 2006 as falsely alleged. No RDX was recovered from my house on 29 September 2006. The ATS applied some RDX traces to the cotton and pretended to have recovered it from my home. They misled the court. We all have been falsely implicated in these cases. Raghuvanshi and Shengal have fabricated fake evidence against us.

The names of the ATS and police personnel who falsely implicated me in 7/11 case and Malegaon case are: Police commissioner AN Roy, ATS chief Raghuvanshi, DCPs Naval Bajaj, Ashok Dumbre, Dattatraya Karale, Shenghal, SL Patil, Bawaskar, police inspectors Mandke, Mayekar, Tajne, Khanvilkar, Dinesh Ahir, Alaknure, Dalwi, Phadke, Shailesh Gaikwad, Mohite, Sohoni, AD Ghadiganwkar, Sachin Kadam, Kolhatkar, *hawaldars* Bhai Commander, Sangram, Bagwe, Gaikwad, Vijay Ambekar, Tatogde, and Jadhav. I demand that an enquiry be conducted against them and action be taken accordingly.

The ATS arrested the self-proclaimed Indian Mujahideen member Sadiq Israr Sheikh and discharged him wrongly from the 7/11 case. This is how the ATS let go the real culprits and implicated an innocent like me. On 27 July 2007, I watched Sadiq's interview on CNN IBN in which he is seen clearly confessing to have done the 7/11 blasts. The court already has a CD of the interview. I request the court to play the CD in the court so that I can identify the interview officially. (Unfortunately, the court turned down this request.) I request the court to watch Sadiq's interview CD at least once before announcing the verdict in this case. (But the court did not watch the CD and convicted innocent Muhammad Ali as a terrorist.)

Please do justice to me

My call data record has been submitted after a lot of omissions. It was only after the high court's order that the data were submitted. Even these data were partial. My CDR has officer Shailesh Gaikwad's number 9969102939 in it, which proves that he had called me numerous times. The investigating officer ACP Patil has submitted only a partial portion of the interview I had given to the daily newspaper, *Mumbai Mirror*. He has concealed the other portion which speaks of my innocence. I have submitted the other portion. Whatever has been written against me in the confessions of my co-accused is false. The voluminous chargesheet running into thousands of pages, submitted by the ATS is nothing but a pack of lies. I did not destroy both my passports intentionally. Except visiting Muscat once I have never been out of the country. Never to Pakistan or Dubai. I did not travel from Mira Road to Bandra as a part of conspiracy. Even to this day the officers from ATS and crime branch units visit my home and harass my family so that I turn an approver in this case. The public prosecutor, Raja Thakare, has produced fake witnesses and evidence to mislead the court and get me and my co-accused convicted. During my police custody, I saw accused no. 7, 8 and 12, Sajid Muzzammil, Abdul Wahid and Naveed Khan, being tortured by ATS men. All witnesses who have spoken against me in the court are speaking lies and doing so at the behest of the ATS. I am innocent and I demand nothing, but justice.

Cross-questioning

I have never been to Pakistan. It is not true that I am following the Al-Qaida manual and have accused the police and ATS officers of torture according to its instructions. The public prosecutor has not summoned the doctor who had performed my medical checkup at KEM hospital. It is false that I had travelled secretly from Muscat to Pakistan and had met Azam Cheema to undergo weapons training at his camp in Pakistan. It is not true that I have deliberately destroyed my passports in order to conceal the details of my international travels. It is also false that the story of my passports washed away in floods is fictional.

I did not participate in illegal activity with Dr. Salman Farsi

I know Dr. Salman Farsi since 1999. He is a Unani doctor, and I have good relations with him. I used to visit him for treatment. Whatever allegations the police have levelled against me are false. Dr. Farsi was forcibly picked up from his clinic. It is not true that we were involved together in illegal activities.

I did not know Dr. Tanveer before this case

I met Dr. Tanveer in jail and know him only since then. He told me he was a Unani doctor and used to work at Saboo Siddique Hospital. It is not true that I knew him since 2006, nor that I used to deliver him my product *Tilismi moti*. I don't know how many cases have been registered against him. It is not true that we indulged in criminal activities together. I used to get *Tilismi moti* in wholesale from Hyderabad. I usually stocked up to six boxes at my home. Even on the day the ATS pretended to search my home there were two boxes there. But the ATS did not seize any of them. It is not true that I lied regarding what localities I used to visit to sell my product.

I have not read the Al-Qaida manual

I do not know what on earth this "narco test" is. But I know this much for sure that it is a very effective tool to implicate innocents falsely. It is not true that my complaints to various authorities and officials are false. I do not know what Al-Qaida manual is. It is not true that I have submitted written complaints and have made statement on oath after being coached by my advocate and accused no. 4, 7 and 8.

Analysis of Muhammad Ali's statement

People often keep asking the question if this person was innocent, why was he picked up specifically? Why only him? Why not someone else? The Police are not fools to simply implicate an innocent in a terror case. They are not bitten by mad dogs to behave so recklessly. I wish some mad dog had bitten the police. Because there is cure for dog bite in medical science, but there is no cure for the one bitten by the serpent of communalism. There is no cure for the one possessed by the demon of hate. It is not that the

police randomly pick up anyone and implicate them in a case. They specifically target those who have gone against them in one or the other way. They implicate only those who might have caused them some sort of loss. The police nurture grudges against such people and wait for a suitable time to frame them. Most of those whom the police have implicated in false cases are Muslims. Muhammad Ali did not have any previous record, but as Ali narrates, he had stopped immoral video parlours and gambling dens running in his locality. He had led a mass campaign against these criminal activities in his locality. With these businesses shutdown, the police had to suffer huge losses. They lost lakhs of rupees that they used to earn in the form of *hafta* (weekly bribe payments). It was then that he caught the police's attention. They had threatened him that they would implicate him in a false case. The 7/11 blasts were a good chance to seek vengeance and they did not let it go. When they failed to catch the real culprit, they just inserted Muhammad Ali's profile in the case.

Why did the ATS choose Muhammad Ali's house for bomb-making story?

The ATS concocted a false story that on 8, 9 and 10 July 2006, bombs were prepared at Ali's house. They further added that Ali and his brother's family had been to his uncle's house. The ATS tried to pressurise Ali's family to make them give false statement, but failed miserably. The family members recorded the truth in their statement. The ATS attached the same statements with the chargesheet by mistake. To save their story from getting demolished, the public prosecutor did not summon Ali's family to the court. The adamance of police and the helplessness of judiciary is quite evident from the fact that the police straight away choose not to summon witnesses who can vouch for the innocence of the accused. Further, the court also does not compel the police to summon such witnesses.

Muhammad Ali's house at Govandi is a mere 10 feet by 10 feet. It is located in a densely-populated area. The house is situated in such a manner in the Baithi Chawl that anyone passing by can easily peep in and find out what is going on in the house. It is such a small room that hardly 3-4 men can sit together on the floor. But the ATS claim that 7-8 men had sat together on the floor and

prepared bombs. A major question is: "Is such a highly dangerous activity as bomb-making done in secrecy or publicly?" Obviously, it is done in secrecy. So, would it not have been better if this bomb-making was undertaken in some apartment instead of this small room in a chawl? According to the ATS, nine of the accused in this case own a flat. So, what prevented the accused from assembling bombs in anyone of those nine flats, instead of this small room? The answer is: "Had the ATS written in their story that the bombs were prepared at one of the nine flats, it would have been impossible for them to show the presence of any of their puppets as a witness (like Amar Khan). They would also have had to go through the tedious exercise of taking witness statements from the watchmen, the president and secretary of the apartment society. It would have made things complicated for ATS. This is why they chose Muhammad Ali's small home as the site of bomb-making for their story.

Defending witness: Hazrat Ali Shaikh

Hazrat Ali is Muhammad Ali's elder brother. In 2006 he used to stay with Muhammad Ali in the same building. He deposed in the court that on 8, 9 and 10 July 2006, all of them were at home and there was no guest on those days. He told the court that no bomb was made at his home and the police had detained Ali illegally for two months. He also complained that the ATS kept pressurising them to bear false witness that all family members had been out for three days to visit a relative, but he refused to do so and told the truth. The police, despite recording his statement did not summon him to the court because that would expose their lies.

It is hard to believe that some home-made bombs could be so deadly that they could rip through several train compartments, cause hundreds of deaths and injure a similar number of people. It is also hard to believe that a terrorist whom the Mumbai Police were searching would sit relaxed at his home and would keep frequenting police stations for enquiry whenever summoned. The truth is, Muhammad Ali was innocent and that is why he was at ease at his home. That is why he would co-operate with the police and ATS recorded his statements time and again. This is why the ATS had let him go initially, but later implicated him only to fill in the blanks with an appropriate profile matching their false story.

The riddle of pressure cooker

The police said that seven bombs were prepared. Initially they said that they were kept in seven pressure cookers and planted in various trains. Later when they submitted the chargesheet they said "domestic utensils" were used to plant the bombs. They did not specify as to what those utensils were. During the final argument they again changed their stand and public prosecutor Raja Thakare said: "Now I say those utensils were pressure cookers." The question is what was the need to change the statement thrice? What did they achieve with this flip-flop?

The answer is: Initially Mumbai Police Commissioner AN Roy had tried to sensationalise the matter by making a statement in a press conference that eight pressure cookers were bought. He claimed that seven were used and one was left, which was seized from Muhammad Ali's residence. According to the police "five-litre pressure cookers of Kanchan Company" were used. This news was circulated for several days in the media. But when it was time to submit the chargesheet, it was not enough to say that pressure cookers were used. They had to specify who, when and wherefrom, had bought them and at what cost. They would have had to submit the accused's statement, the shopkeeper's statement and the receipt of the transaction as evidence. The ATS, that had begotten an entire story, would not have found it hard to forge fake statements and produce a fake receipt. But it would cost them more time. Time was what the ATS did not have. They were legally expected to submit the chargesheet in the specified time frame. A delay of one day would cost them dearly. Had the ATS been late for even a single day, the court would have been legally bound to grant bail to the accused. Then the ATS must have thought: "It is not important to mention in what the bombs were stored and planted. So, let us just say that they were stored in domestic utensils. In this way, we can save ourselves the trouble of recording the shop owner's statement and producing the receipts *etc.*"

The court would find it hard to digest a story saying the bombs were placed in domestic utensils, because it would ultimately ask what these "domestic utensils" were? So, the public prosecutor ultimately specified to the court, even before being asked, that these "domestic utensils" were "pressure-cookers". In this way the ATS would establish their "pressure-cooker theory" and would

also have enough time to bring forth shop owner as a witness. Initially, when the ATS was willing to use the words "pressure cookers" instead of "domestic utensils", they seized an old cooker from Muhammad Ali's residence. There was still some food cooked in that old cooker. It contained chickpeas freshly cooked in it. They then replaced this old cooker with a new one and furthered their story that the accused had bought eight cookers out of which one was left at Ali's house. But the court had to face questions posed by the defence advocates such as: Why did the ATS change its statement regarding the use of pressure cookers? If the cookers were used, then who bought those cookers? When? From whom? And at what cost? Where was the receipt? The police had no any answer to any of these questions.

Why did police replace old cooker with new

The ATS barged into Muhammad Ali's house, took an old cooker and later replaced it with a new one to link it with the 7/11 conspiracy. There is a great lesson to be learnt in this incident. Never think any action of the police is harmless. Only a fool will think so. Those who think in such a manner will eventually fall into the police trap and regret for the rest of their lives. Even if the police seize an apparently unimportant object from your house, you must complain about it to the court concerned. An affidavit must be prepared containing statements of the family members who witnessed the police take away things from your house. You can submit it to the court when the time is right. The police can take away a small amount of cement from your home and later replace it with RDX claiming it was recovered from your residence. They will seize some religious books from your house and declare to have seized provocative, anti-national literature. So, it is very important that one does not allow the police to take away anything from one's residence, no matter how insignificant it may seem. If they try to take away anything forcibly or against your will, then immediately gather the leaders of your locality and complain to the judiciary.

Never tolerate illegal detention

Muhammad Ali was detained illegally for two months, but he did not complain about it to any authority. Ali's CDR and mobile

location is the biggest evidence of his illegal detention, but the ATS smartly concealed the data. They did their best to thwart Ali from obtaining his own CDR and mobile location. The ATS used to console Ali saying: "We are only enquiring and will let you go in some days. So, be quiet and cooperate with us." Ali fell for their assurances and kept quiet. Had he got affidavits prepared regarding his illegal detention it would have acted as an important evidence in his favour. Remember, if an accused's illegal detention is established, all other and further allegations are quashed by default. Because if a person is detained illegally, it is presumed that all his following acts are done under duress, such as confessions, statements, recovery of evidence, *etc.* The police try their best to make sure the accused does not gather any evidence of his illegal detention. This is why they keep threatening the accused and his family not to hire an advocate or approach any social or political leader. If an accused's illegal detention is established, then the path of his acquittal becomes easy. Chances are high that the officers detaining him illegally face legal action. They may be asked to pay compensation to the accused for causing him losses.

Remember: If the police detain you illegally in a police station for even two minutes, you must maintain evidence about this. Your silence will embolden the police. And maybe it takes your cooperative behaviour for granted and just like they did with Ali, implicate you in some terror case.

It is very sad to note that though ATS was set up to fight terrorism but now it rejoices at terror incidents. When the Malegaon graveyard blast occurred in 2006, the ATS celebrated it. From this, one can imagine how communal and biased our police system has become. To hope that such a police system will let innocents go free and not frame them in fake cases, will be wishful thinking.

Do not trust police's words

ATS chief Raghuvanshi confessed with the accused Muhammad Ali that he knew Ali was innocent. He then invented a false story that he was in search of a man named Muhammad Naeem Tailor, residing at Road no. 7. Raghuvanshi had narrated a similar story to this author that the ATS was in search of some "Wahid Tailor" residing at the Park site, Road no. 6. He had assured that as soon

as Tailor was caught, he would let this author go. In this way the ATS would fool us into believing that they had caught us by mistake and that they still were in search of the actual culprit and as soon as he was caught, they would let us go. So, from their perspective, there was no need for a hue and cry about it. It was better to keep calm and wait till the actual perpetrator is caught. We even ask our families to also have patience and not to approach an advocate, leader, activist, journalist nor to file a complaint against our illegal detention. But the fact is, it was nothing but our simple-mindedness and lack of smartness that we believe their false stories and they succeed in silencing us. We kept quiet throughout our illegal detentions and the police used this time to forge evidence against us. Thus, the moral of the story is: Never trust anything the police says. What is our fault if the ATS is unable to catch the real culprit, some Tailor? How are we responsible for that? How are we related to this? Why should we suffer? Such questions must be raised and no time should be given for the police or the ATS to conspire against us.

The benefit of complaining against the police

When Ali had enough of it, he mustered enough courage and complained against the ATS in the court. The ATS had threatened him that if he complained against them, they would implicate him in Malegaon blasts case also. Then the ATS fulfilled their threat and did implicate him. The argument that, had Ali not complained against the ATS, they may not have implicated him in Malegaon blasts is fallacious. The police were anyway going to implicate innocent Muslims in this case. That is exactly what they did. Had Ali not complained against the ATS the world would never have known the truth about Malegaon blasts. His innocence was established before the world and today all allegations about Malegaon blasts stand exposed as a tissue of lies. The defence advocates put a good fight on the basis of these complaints, but the court did not pay heed and convicted Ali. However, it is hoped that the higher courts will definitely pay attention to the complaints, evidence and witnesses. It is to be borne well in mind and remembered that "silence is suicidal" in such situations. So, never keep quiet in the court during your police custody. Be bold and speak.

DCP recording confessions is an ATS agent

It is true that in the two cases, signatures were taken forcibly on fake confessions. Ali was sick during the Malegaon confession. He was under tremendous pressure and was threatened with dire consequences if he spoke the truth. He had complained against the ATS torture to DCP Karale, but what was the result? He said: "You should have been beaten more!" The second time as well the DCP was completely in cahoots with the ATS. That is why Ali thought it was useless to say anything to the DCP. That is why he signed the fake confession papers of Malegaon blasts. However, he complained to the magistrate against the ATS, but here too the magistrate noted only a part of his complaint and forwarded it.

The consequences of confessing on camera

One year after the 7/11 blasts, on 11 July 2007, Star News and Aaj Tak News channels telecasted the fake confessions of two of the accused, Muhammad Ali and Naveed Khan. The video showed a relaxed Muhammad Ali on camera with a smile saying: "Yes! We have done the blasts. All the seven bombs were prepared at my home. We did this according to directions from Azam Cheema. We were all part of the conspiracy." This was the same video that was recorded at gun-point during the police custody. The telecast of this recording reaped great benefit for the ATS and, at the same time, caused a huge loss for the accused. The news channels lapped up this story to boost their TRPs. Besides monetary gains, the masses watching the recordings were convinced that these men speaking so fearlessly on camera must really be terrorists. Or else, why would they admit it so bluntly. The third gain that the ATS made from these video confessions was that the allegations that the accused had levelled against it regarding torture and harassment were washed away in a single stroke. The viewers were inclined to believe that the accused were making false allegations against the ATS and police. The ill effects the accused suffered due to these videos were that their reputation was further damaged. The court's and the public's opinion turned against them. The then home minister RR Patil had made a vapid promise, "We will conduct a thorough enquiry into how the video was leaked to the media." However, to this day, the enquiry has made no progress.

This is why an accused must not recite the police's false story before the camera. Even if they threaten to kill you, you must not utter a self-condemning word from the fictitious story. They will not kill you. They need you alive. So, keep enduring the torture and the harassment and humiliations of your family, but do not falsely confess to having committed a crime that you did not do and ruin your life with the label of terrorist against your name.

Family of the accused must not give up

The police and ATS had been harassing Muhammad Ali's family from day one, but they kept quiet. Ali's wife is not well-educated. This was yet another reason for her silence. But, when the police crossed all limits, they ultimately decided to complain and demand action against the ATS and associates. Though they were late to complain, it still proved beneficial for them. Though the harassment did not stop completely, it surely got reduced considerably. The police and ATS were deterred by the thought that Ali's family might submit a written complaint in the court against them. So, it is always best that the family of innocents illegally detained approach the higher authorities and the court concerned.

Role of government doctors

The ATS used to take all accused of this case to the KEM Hospital but there was no checkup. The doctors were hand in glove with the ATS. They would simply fill the paper with false information that the accused bore no signs of torture or injury on his body and was completely fit to be arrested. When the accused repeatedly complained about the torture, the public prosecutor at last summoned the government doctors, who testified in court on the basis of their own forged documents and OPD papers, claiming that the accused were not tortured and were completely fit when they brought to them for checkup. This is how the ATS establishes in court that allegations of torture are false. It is strange how these doctors betray their noble profession and help the ATS in their wrong doing. In such a situation the accused must immediately complain against the concerned doctor and demand that his checkup be performed by his family doctor. All doctors are not

such traitors to the profession. There are only a few black sheep in the herd of the white-coat healers.

Police can seize anything from your house

The police are supposed to visit your residence the same day you are arrested. It is immaterial whether the police find anything implicating at you house or not. But it is necessary that the search is conducted. The police will never pick up anything that might exonerate the accused of the allegations. For example, the police said that there were two boxes of *Tilismi moti* at his home. They did not seize that. They later claimed that traces of RDX were recovered from Ali's residence from below his cot. This means the police will not necessarily produce in court what they found at your home. On the contrary, they can very well produce that which was never found at your home.

So, it is necessary that whenever the police visit your home, you must inform the higher officers, the court concerned and the leaders of your community *etc.* that the police conducted a search at your house on such a day and date. You must mention that there was no *pancha*-witness with them and mention all the places and rooms they searched. You must mention that the police did not find anything at your home that day (if that is the case) and they returned empty-handed. Also, remember to mention that the police did not collect anything with the help of cotton swabs. Mention that the police did not perform any *panchnama* that day. If the police take away anything irrelevant (like an old pressure-cooker seized from Ali's house), you must complain regarding the matter to the higher officials on the same day through fax or post. You must get your complain counter-signed by at least two of the responsible members of your locality as witnesses. This written complaint is better sent in the form of an affidavit.

Apparently, the police leave empty-handed from your residence, but later they claim in the court that they had seized RDX, weapons, provocative and anti-national literature. Your complaint to the higher officials cannot falsify the police version, but it will at least make it suspicious, which will likely benefit you.

Why there is no action against the police?

Muhammad Ali and his family complained many a times against the ATS and police but no action was taken. This does not necessarily mean that the complaints made are false and fictitious. Whenever Ali and his family complained to the higher authorities, they left the matter up to the trial court. Since the matter was in the trial court, they presumed that the accused and his family must have complained to the trial court too, and the trial court would definitely take action. Thus, almost all of the higher officials put the onus on the trial court and shrugged off their responsibility. However, it still does not mean that the complaints of Ali and his family did not bear any result. In fact, it was on the basis of this these complaints that Ali got a chance to defend himself and the police and ATS stopped harassing him and his family.

Accused no. 7 : Muhammad Sajid Marghoob Ansari

My name is Sajid, age 36 years. I come from Mira Road locality in Mumbai. I stay with my mother, my two elder brothers and their families. (Sajid's mother passed away in 2015 after a long illness. She had been waiting for her innocent son since last 9 years.) My eldest brother, Javed, is a doctor and the second brother, Khalid, an engineer. My father was a teacher in an Urdu School in Bandra. I have five sisters, all of them teachers. Earlier, we used to stay at Andheri. I completed my SSC from Farooq Sattar Umar Bhai High School and then took up a diploma course in electronic engineering at Saboo Siddik Polytechnic Institute. In 1999 my father passed away. Consequently, I had to discontinue my studies. I took up a six-month computer hardware course and was hired by the DCM Data Systems Limited.

First fake case

When we used to reside in Andheri, there was a goon named Shamsher Sher, who was involved in illegal activities and was on good terms with the local police. He was a police informer and had

served as *pancha*-witness for them in many cases. On 1 March 2001, my brother and I got into an altercation with him. Consequently, with the help of the local police he implicated both of us in a fake case. On 14 March the Andheri police arrested me and my brother without giving us any reason. We were later produced in the Andheri court where we came to know that we had been implicated in a case of distributing some pamphlet. The judge released us on bail. Since then, the police started frequenting our home. The complainant in this case, inspector Waghmare was a good friend of Shamsher Sher. Waghmare would keep harassing us frequently. The police would misbehave with us, threaten and harass our family too. On days like 15 August the police would detain me for the whole day.

Second SIMI false case

On 27 August 2001, I returned home from work. In a few moments the police came to my home and took me to the police station. Senior inspector Anand Bhallare handcuffed me and put me in the lockup. In a while my brother Khalid Ansari was also brought there. My brother asked Bhallare: "Why were we brought here? Why are we harassed repeatedly? The police have already implicated us both in a false case." SI Bhallare said he had orders from higher officers to implicate all accused in a previous SIMI case in newer cases. We started protesting that we did not know what SIMI was all about. Nor do we have any connection with it. He said he was helpless. We were later produced in court and were granted a conditional bail stipulating we report at the local police station for one month. The police harassment continued as usual.

Acquitted of both fake cases

Both the SIMI cases were false. So, eventually, after 11 years, the court acquitted all accused in both the cases. I have submitted the photocopies of both the acquittal orders to the MCOCA special court.

The police used to often visit my boss and pressurise him to fire me from the job. My uncle and my brother complained about the matter to the Mumbai police commissioner. When the Mumbai police commissioner called Bhallare and reprimanded him for harassing us, he called me to his station and threatened that he

would surely teach me a lesson and I would face the consequences of this complaint. After this, the police started harassing me more frequently and my office fired me from my job. Due to the relentless harassment we shifted to Mira Road and finally bid good bye to Andheri in 2002.

I started mobile repair classes

During 2005-2006 I started a computer hardware business, but I did not make much profit out of it. In 2005, an organisation, *Tanzeem-e-Walidain*,[a] at Malad-Malvani made me an offer to start an institute and teach mobile repair to students. Their only condition was that I charge them a fee of Rs 2,000 only instead of Rs 12,000 since it was a charitable trust. In return, they would not ask me for my house rent, electric bill and phone bill. Thus, I started taking classes from 8 am to 10 am in the morning on week days. In the remaining time I would as usual, carry on with my personal business.

Mobile repair shop

One day, when I was on my way to visit my sister, I happened to chance upon a signboard hanging at a photocopy shop outside Jogeshwari station (west). It said the shop was available for rent. I contacted the owner, Bilal Kadiwala. He said he would rent a counter for Rs 5,000 deposit and Rs 1,000 rent per month. I found the counter suitable. So, I took the counter on rent and started a new business.

During 2006 I used to keep two mobile phones. I used 9224446830, a Tata SIM registered in my name, which I would keep at home. The second one 9867244681, an Airtel SIM, would always stay with me. I used for general purposes to contact my friends, business purpose and to talk to my family. I had obtained the second SIM from one of my students named Tansen. He was a dealer and the SIM was registered in his name.

During 2006 July I would visit my classes at Malad from 8 am to 10 am and then head towards Jogeshwari. I would open my shop at 11 or 11:30 am and stay there till evening. Sometimes I would directly go to my shop at Jogeshwari.

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[a] Literally—"Organisation of Parents".

On 7 July 2006, I left home for Malad at 7 am. After the classes there I went to my shop, carried on with my usual routine till evening and returned home at night.

Similarly, on 8 July 2006, I left at 7 am, took classes and directly headed for home, without going to my Jogeshwari mobile shop. I later went to my shop at 5:30 pm and returned in the night.

On 9 July 2006, it was a Sunday. So, I spent my whole day at home and did not go anywhere. My sister and my brother-in-law Mehmood Azeem Qureshi, had been to our home to see us. They were at our home for the whole day and left at night.

On 10 July 2006, I did not go to Malad to take classes. I directly headed for my Jogeshwari shop and returned home in the night.

Where was I at the time of blasts?

On 11 July 2006, I went to Malad at 7 am. After my classes I went to Jogeshwari and was there at my shop for the whole day. My shop owner, Bilal Kadiwala, was also with me the whole day. At 6:30 in the evening while I was busy repairing mobiles at my shop, I heard loud explosions and I felt tremors. I thought some under-construction building must have collapsed. In a few moments I saw people running away from Jogeshwari Station. When we enquired from these people, they said there had been a blast at the station. Bilal asked me to stay at the shop and went to find out what had happened. I tried contacting my family, but could not, since mobile networks seemed jammed. I somehow managed to call my brother through a landline and found that he had come to Jogeshwari with his family for some medical treatment. Bilal returned in half an hour. He was completely drenched in rain and I saw stains of blood on his clothes. I saw injured men being carried away to hospital in taxis and autorickshaws. I asked Bilal what was the matter. He told me that there had been a deadly explosion and he had picked up many injured people and sent them to hospital in taxis and autorickshaws. We closed our shop early that evening. I went to the blast site to help the injured, but could not because they were already sent to hospitals.

From there I went to my sister's home at Jogeshwari. I tried contacting my family, but could not due to jammed network. There was no male member of my family present at our home that day. So, I wanted to reach home as early as possible. I walked from

Jogeshwari West to Western Express Highway. There was a heavy traffic jam. I somehow caught a city bus and reached Borivali. From there, a truck driver gave me lift till Kashi Meeran. From there I reached Mira Road in a jeep. At last, I reached home at about 12 o'clock. I did not leave home the next day because it was an atmosphere of fear everywhere. On 13 July 2006, I went back to my normal routine.

I do not know Naveed Khan

The ATS's claim that on 11 July 2006, I went to Bandra is false. It is also false that from Bandra I brought accused no. 12 Naveed Khan's mobile with me. The fact is that I had never known a person called Naveed Khan, nor had I met him, nor seen him. I saw Naveed Khan for the first time in ATS lockup on 20 September 2006.

Crime Branch abducts me

After the blasts I started developing a gut feeling that the police would start harassing me, because they had already implicated me in two false cases. Yet, I continued my usual routine, because I was innocent and I had no role in the blasts. On 17 July 2006, some men came to my shop at Jogeshwari and asked me my name. I asked them who they were? They told me that they were from crime branch and had come to talk to me. They took me with them in their vehicle to crime branch unit VII, Ghatkopar. On the way they took my mobile from me and started questioning me about every incoming and outgoing call. They cross-checked all numbers. When we reached the office, I saw that many men had been brought for enquiry. My brother-in-law, accused no. 8 of this case, Abdul Wahid Shaikh (the author) was also one of them. Two other youth, Javed and Usman, were also brought along with me into the office. The crime branch had seized some documents from Javed's residence. One of my neighbours, Iqbal Qureshi, saw me at the station. He talked to the police in my favour. The police then visited my house and searched it thoroughly. They did not find anything objectionable. They questioned my mother and then they brought me back to the station and locked me up. I asked Javed in the lockup as to what had the police seized from his home. He told

me that they took only his passport and the documents of his building.

On 18 July 2006, the crime branch staff kept interrogating me for the whole day. They recorded my statements. They kept enquiring me about my previous cases. Police inspector Shripad Kale, police sub-inspector Sanjay Kamble and senior police inspector Rathod interrogated me thoroughly. My brother Javed reached the station looking for me. The police recorded his statement too and let us both go in the evening on the condition that we appear at the station whenever asked to. They returned me my mobile. My brother asked me as to why had the police picked me up. I told him that they wanted to know about my previous cases.

On 20 July 2006, a *hawaldar* visited my home and informed me that I and my brother had been called at crime branch, Andheri. On 21 July 2006, I reached Andheri station. Sub-inspector Gawde took my statement in detail. When he came to know that I was a computer engineer they asked me if I could repair one of their computers. I complied and repaired it. Police inspector Worlikar and inspector Gawde let me go on the condition that I reported to the station whenever asked to. They informed me to tell my brother Khalid to report to the station on Monday, 24 July 2006. My brother reported accordingly on Monday and his statement was recorded.

Telegram calling me urgently

On 25 July 2006, I had been to Bijnor in UP to accompany my aunt to her home. I had reserved the tickets in advance. I stayed there for 15-20 days. One day I called my home and enquired about their welfare. My brother, Dr. Javed, informed me that the ATS had come and searched my home. He said the ATS harassed our family and were pressurising him to call me to Mumbai as soon as possible so that they could question me. Due to constant pressure from ATS officer Shailesh Gaikwad my brother sent me a telegram to return to Mumbai as soon as possible. On 18 August 2006, I reached Mumbai. My brother informed me that the ATS had been harassing our family. He said that officer Sunil Mane visited his clinic and sat there the whole day. Due to this my elder brother did not visit the clinic for many days. The ATS constantly kept

misbehaving with my family. They would repeatedly call me and ask me to report to the station. Officer Shailesh Gaikwad used to call at my home. I talked to my family and took Shailesh Gaikwad's phone number. I called him on 9969102939 and asked him where to report. He asked me to come to ATS Nagpada office.

On 18 August 2006, I reached Nagpada office with my brother. As soon as the officer saw me, he slapped me on my face and abused my brother. He told my brother that I would have to stay there and asked him to return home. My brother left. Sub-inspectors Shailesh Gaikwad, Sunil Mane and Sayyed, head constable Redekar, constable Babu Sawant, Tushar Sawant, Shailesh Mane and many others, whose names I do not know started beating me. They took me into a room and inflicted third-degree torture on me for about three and a half hours before taking me to DCP Naval Bajaj, who asked the officers to torture me further and interrogate me thoroughly. Bajaj asked me about my previous cases. They did not let me go this time. They handcuffed me and made me sit there.

Police torture and enquiry about my mobile

On 19 August 2006, the police tortured me the whole night. Police inspectors Vilas Joshi and Dinesh Ahir took me to Mira Road after the torture. My house was searched again. Then they arrested two young men, named Irshad and Asrar, and took us all to Nagpada. At Nagpada we all three were again tortured by Joshi, Ahir and other police officers. On 21 August 2006, I was interrogated for the whole day. Then they brought my call data record and questioned me about a particular number. I told them the number belonged to a printer, Ehtesham, who was one of my clients.

Raghuvanshi detains me illegally

Then they took me into a torture room where a computer, a monitor, two printers and a gunny bag were kept. Shailesh pointed at those things and asked me: "Do you know who all these things belong to?" I took a close look at them and told him: "Yes, I know these things. They belong to one of my clients' Ehtesham." They then took me to Raghuvanshi's cabin and told him about my past cases and also that I was in contact with Ehtesham. I clarified before Raghuvanshi that my contact with Ehtesham was only

business-oriented. Raghuvanshi told me that he would look further into it. Then I saw accused no. 8 Abdul Wahid Shaikh, outside Raghuvanshi's cabin. I was then taken back to the torture room and handcuffed.

Four days of illegal detention

On 22 August 2006, at about 8pm, inspector Vilas Joshi and Dinesh Ahir called me to their cabin and told me that they would let me go on only one condition, that I reported to the ATS office every day. They threatened me that if I tried to run away, they would kill me in a fake encounter just like they had killed a person two days ago (Antop Hill Encounter). After four days of illegal detention, I was at last let go, but from August 23 onwards I had to register my presence at the ATS office every day. During this episode I saw many men who used to show up at ATS office like me. I was intimidated by the threats of police. That is why I did not complain to anyone regarding the illegal detention.

Documents corroborate my statement

A few days later my brother gave me a copy of the telegram he had sent me in Bijnor. He told me how he was forced by the ATS to send that telegram to me. My brother told me that Gaikwad had taken the original copy of the telegram and had not returned it even after repeated requests. I tried obtaining another copy of it through RTI, but they replied that they maintained a record only for three months. Thus, I submitted a photocopy of the telegram, RTI query, and its reply to the court.

I lose my business due to police harassment

Almost every day I used to go to ATS Nagpada for attendance. During September 2006, one day Dinesh Ahir told me that there had been a bomb blast at Malegaon and he was busy with its investigation. Hence, I would not have to come every day for attendance. However, I would have to report whenever called. *Hawaldar* Tushar Sawant called me two to three times to report. I complied. My classes and my business were severely affected due to these frequent attendances. Ultimately, I was forced to close both my business and teaching.

Why I did not complain against the police

During September 2006, inspector Vilas Joshi called me to his office and told me that I would have to report to ATS Bhoiwada and meet ASI Ramesh Bagwe. Accordingly, I went to Bhoiwada, but Bagwe was not there. There was another officer named Kadam. He questioned me regarding my mobile. He brought a print out and started asking about each and every number in detail. He kept checking my location in my CDR from 1 July to 20 July 2006 and asked me where I was these days. He would ask me why I had been at that location and what I was doing there. He asked me why my CDR showed Ehtesham's number multiple times. I told him he was my client and I had only business relations with him. Officer Bagwe came there after some time. He too asked me about my call details and I answered him at length. Despite this he started abusing and beating me. I told him I had been thoroughly interrogated by Gaikwad at Nagpada and he could confirm with him about me. He called Gaikwad and confirmed with him.

Bagwe then gave me the CDR and a pencil and asked me to tick each call from 1 July to 11 July 2006 and tell him in detail about each call. I answered him in detail and he was satisfied with the reply. The CDR given to me by Bagwe was exactly the same as the one produced by the Airtel Company in court. Bagwe then took me to ACP Tawde. ACP SL Patil was also present there. Bagwe reported to Tawde about my CDR and my explanations. Tawde then told Bagwe that he had talked to the higher officers about me and told him that he was asked to let me go. At last, I was let go at 9:30 in the night. I reached home and informed my brothers of all that had happened and how I was tortured by the ATS. My brothers were of the opinion that it was of no use to complain against the ATS. We had previously complained in 2001 regarding our false implication, but it did not prove beneficial in anyway. On the contrary, they thought the ATS might harass us further if we complained against them. Thus, we dropped the idea of complaining against the ATS.

On 25 September 2006, I was at my home repairing a mobile that I got a call on my number 9867244681 from Shailesh Gaikwad's number 9969102939. He called me at Dadar TT for five minutes and promised that I would be let go in five minutes. I got suspicious, so I left my mobile at my house and informed my

mother and my wife that I was going to Dadar as I had been called by Shailesh Gaikwad. My mother asked me to immediately call her and inform her as soon as I was let go. So, I left for Dadar from Mira Road. When I reached there, I did not find Gaikwad anywhere. So, I called him from a PCO and asked him where he was. He told me his location and asked me to come there. I complied and reached there. Sunil Mane was also there with Gaikwad.

Gaikwad asked me to sit in his air-conditioned car and he would take me to Nagpada. It was the first of Ramadan and I was fasting as part of my religious practice. I requested them to let me go soon, but they refused to do so and started abusing me. On reaching Nagpada I saw a person sitting there. He had a mobile. I had seen him for the first time in my life. He too was fasting that day. We took *iftar* (breaking fast at sunset) together. I asked him his name. He said his name was Muhammad Ali. He was accused no. 6 of this case, kept under illegal detention since last two months. At about 8 pm, Gaikwad, Mane and another *hawaldar* took me to Kalachowki in their car. There I was locked in a room. Khanvilkar and Tajne interrogated me that night. I was detained there illegally till 29 September 2006. During this period, I was tortured several times by officers Khanvilkar, Tajne, Varpe, Dinesh Kadam, Kolhatkar, Sachin Kadam, PSI Awari, constables Sangram, Mahesh Bagwe, other officers and staff.

Family threatened

The public prosecutor claimed that I had been to Muhammad Ali's residence at Govandi and was involved in bomb-making on 8, 9 and 10 August 2006. This is nothing but a plain lie. I had never been to Govandi during those days, nor had I known Muhammad Ali. During my detention at Kalachowki, I saw many people detained and tortured like me. I saw a person named Qamar Jafar Hasan who was handcuffed. A Kashmiri named Abdul Hameed was also locked up with me for two days. I saw the accused no. 1, Kamal Ansari, for the first time in my lockup who was tortured horribly. I had never met accused no. 1, nor accused no. 2 before in my life. Officers Khanvilkar, Tajne and Sachin Kadam used to repeatedly torture Kamal Ansari. I saw accused no. 8 Abdul Wahid Shaikh also there during this episode. My brother and my mother

came to see me at Kalachowki on 28 September 2006. They were allowed to meet me for a few minutes in the presence of a *hawaldar* and I was unable to tell them anything about the torture. Inspectors Tajne and Khanvilkar falsely consoled my brother and my mother not to worry and that I would be released soon. In the same breath they also threatened them not to approach any person of influence or human rights organisation for help. They, also warned them not to hire an advocate or else they, along with me, would land in trouble.

No Pakistani had ever been to my residence

The public prosecutor invented a fictitious story that Kamal Ansari had brought in some Pakistanis illegally into India and that he had handed them over to me. According to Raja Thakare I had boarded them at my house. I have never known Kamal Ansari, nor has any Pakistani stayed at my home. During my illegal detention ATS officers used my mobile to make calls. My family and I have called the ATS many times from our mobiles, especially Gaikwad.

Deceptively arrested in 7/11 case

On 29 September 2006, Khanvilkar and Tajne took me to Bhoiwada lockup where I saw three men: accused no. 8 Abdul Wahid, accused no. 6 Muhammad Ali, and accused no. 5 Majid. I saw Majid crying profusely. They handcuffed us and took us to Sewree court. On the way Sachin Kadam and Kolhatkar told us that we were being implicated in a petty case and threatened us not to complain about the torture in the court, or else they would also implicate our family in the case and torture us further. I was intimidated by the threat and, accordingly, did not complain in court. The public prosecutor's claim that I was arrested from Malad is false. All witnesses, statements and documents presented in court in this regard are false and forged. There was no *panchanama* prepared after my arrest nor was there any *pancha* present. Thus, the *panchanama* submitted in my case is a fake and was forged at a later date. The two *panchas* named in it, namely Sachin Krishna Kolthar and Suresh Sambhu Mahendrakar, are regular *panchas* employed by the police. Both these men have served as *pancha*-witnesses in others cases also. I have submitted the documents confirming it to the court. They have acted as

witnesses in Aurangabad arms haul case and Malegaon graveyard blasts case at the behest of the police.

Third-degree torture in police custody

They obtained our police custody from the court and took us to Bhoiwada lockup. I was locked up with accused no. 8 Abdul Wahid. There was also a short-statured person locked up with us, named Shabbir Maseehullah. I met him for the first time in the lockup. When asked as to in which case was, he locked up, he said he did not know. They kept me in police custody till 13 October 2006. In the meanwhile, I was taken to ATS Nagpada several times. Dinesh Ahir, Vilas Joshi, Shailesh Gaikwad, Sunil Mane, officer Surve, PSI Sayyed, head constable Redekar, constables Shailesh Mane, Tushar Sawant, Amit and others, whose names I am unable to recollect, tortured me horribly. They wanted to know what connection I had with accused no. 4, Ehtesham. They recorded my statement several times during this torture and every time I reiterated that I was innocent and had only professional relations with Ehtesham. I pleaded many times with them that I was innocent and I did not have any role in the 7/11 blasts, direct or indirect whatsoever.

RTI to refute the claims of my arrest from Malad

I sent an RTI query asking for log book of Vasant Tajne's vehicle MH01-BA-4236 with his signatures on it. The query reply shows that Tajne had not been to Malad in this vehicle which proves that I was not arrested from Malad. The log book refutes their false claim and establishes that I was already under their illegal detention and was not arrested from Malad.

Forced to sign for narco

On 29 September 2006, I was not taken to my home for any search. So, the *panchanama* submitted in court is a fake. It was scripted at the police station with the help of their regular *pancha*-witnesses. During my illegal detention, one or two days before 13 October 2006, I was produced in MCOCA special court before Judge Bhatkar. Accused no. 6, 8 and 12 were also produced with me. Officer Bawdhankar forcibly took my signature on a declaration

that I was ready for the narco test. The ATS did not let us speak in the court and then took us to Bhoiwada lockup.

On 13 October 2006, I was again produced in the MCOCA special court. I saw outside the court that accused no. 5 crying profusely. I asked him what had happened. He told me that officer Salaskar and staff had tortured him mercilessly at Kurla office. An ATS *hawaldar* suddenly rushed me to a vacant side of the court and threatened me not to speak in front of the judge. Or else, the consequences would be horrible. He warned me that he would implicate me in further cases. I did not complain about anything to the judge. I was again sent in police custody till 26 October 2006.

Stupid questions in narco

On 10 October 2006, I saw a youth in the lockup named Noorul Huda. On 15 October 2006, Dinesh Ahir and Shailesh Gaikwad took me to Bengaluru by Air India and locked me up in a cell at the crime branch. I saw that accused no. 8 Abdul Wahid, no. 12 Naveed Khan, and Noorul Huda were also locked up there. I asked Noorul Huda in which case he was brought in. He feigned ignorance and said he did not know. We were then taken for narco test. Dr. S. Malini performed this test on us. She misbehaved with me and slapped me before the test. She was repeatedly asking me to answer in specific words as they wanted to record our answers and manipulate them later. The camera was on. She threatened me that if I did not answer in the way she wanted, she would inject me with AIDS virus. As soon I was injected with the narco drug, I started feeling dizzy. In this semi-conscious condition, she started asking me irrelevant and stupid questions. Some of the questions, and my answers:

Dr. Malini: "How many bombs were made?"

Me: "I don't know. I don't have any relation with this case."

Hearing this answer, Dr. Malini slapped me on my face and pinched my right ear with the help of a pliers and wounded it horribly.

Dr. Malini: "What comes after six?"

Me: "Seven!"

Dr. Malini: "How is a TV turned on?"

Me: "With the help of electricity!"

Dr. Malini again slapped me, crushed my ears with the pliers and asked me to say it was turned on with the help of remote.
Me: "With a remote!"

In this way Dr. Malini asked me many irrelevant questions and forced me to give the answer she preferred. I was then made to lie on the operation table in the operation theater. There Dinesh Ahir repeatedly asked me the same question and I repeatedly answered him that I was innocent. I was then taken to crime branch and locked up there. I again saw Noorul Huda there and he asked me as to what had happened. I told him everything. He told me that exactly the same was also done to him.

Police quarrel among themselves over fake encounter

Sachin Kadam, Dinesh Ahir and Shailesh Gaikwad took me and Abdul Wahid to Forensic Science Laboratory, Bengaluru, for our lie detector test. On the way Dinesh Ahir and Sachin Kadam got into a verbal spat. Sachin asked Dinesh Ahir as to what investigation they had done. On this Ahir replied that he knew very well what they had done. He shamed them they had killed an innocent fellow on the Antop Hill in a fake encounter. I was then taken back to Mumbai by Air India and locked up in Bhoiwada. My ears were swollen due to torture and a white discharge was oozing from the wound. Gaikwad threatened me not to complain to anyone regarding the swollen ear or else I would be tortured horribly.

Narco CD tampered

On 19 October 2006, I was taken to ATS Kalachowki. Tajne and Khanvilkar asked me as to what I had said in my narco test. I replied that I had not given any wrong answer in the test. I told them that I had reiterated that I was innocent and was being framed. They got angry at my answers and started assaulting me furiously. They sent me back to Bhoiwada in the evening. I was locked up with accused no. 8, Abdul Wahid, in the same cell for some reason. On 20 October 2006, I was again taken to Kalachowki. I was fasting that day and I had my *iftar* at sunset. After my *iftar,* Tajne, Khanvilkar and Kadam told me that I had confessed my crime in the narco test. They played the CD of the

narco to me. I was shocked to see how the questions and answers were manipulated. Anyone watching this CD would have easily said that the CD had been tampered with because the audio and the visuals were not matching at all. I told Khanvilkar that the CD had been tampered with. On hearing this they started beating me again. They took me to the torture room and the whole staff, along with DCP Dhawale tortured me mercilessly. I was stripped naked and my genitals were given electric shock. I was subjected to third-degree torture for the whole night.

"We will rape your mother and wife"

The next day; I was again tortured, but they started taking care that no sign of torture appeared on my body. After a whole day of torture, I was taken to a room tied in standing position. At about 7 o'clock in the evening I was again taken to the torture room and I saw that Naveed Khan was being brought out of the room. I noticed that there were signs of torture on his body and he was unable to walk properly. They started torturing me again. I saw that Khanvilkar was infuriated that day. I fell unconscious 2-3 times during the torture. All this was only to make me accept their false story, but I kept repeating that I was innocent.

Later, Naveed Khan was brought before me and Khanvilkar told me that they would make my condition also like that of his. I refused to accept their false story and they continued torturing me. They threatened that my brother had a SIMI case against him. So, they would implicate him in a blast case. They again threatened that they will gang-rape my mother and my wife. Finally, I was terrorised by the threats and gave up my resistance. I agreed to do as they said and they stopped torturing me. I was unable to walk due to torture. They gave me a cream to apply on my wounds. That night inspector Awari took me to KEM hospital for medical checkup.

He threatened me and asked me to keep quiet before the doctor and asked me not to interfere in his conversation with the doctor. Accordingly, I kept quiet. I started passing blood in my urine and it continued for 2-3 days. I started feeling dizzy. I was tortured by ACPs Dhavle, Tajne, Khanvilkar, Dinesh Kadam, Varpe, ASIs Gyaneshwar Avare, Ghag Commander, constables Sangram,

Mahesh Bagwe, Bhai Commander and 4-5 other policemen who's names I don't remember.

ATS chief Raghuvanshi tortures me

On 22 October 2006, at about 9 am in the morning Khanvilkar took me to Raghuvanshi. He asked me about my role in the blasts. I thought he was a higher officer and if I told him the truth, he might save me. I told him I was innocent. I had been framed up falsely and that the ATS men had been torturing me since last 2-3 days so that I took the blame of 7/11 on myself according to their false story. Khanvilkar got infuriated at this. He started abusing me, saying I had started my old drama again. He asked for a belt, a rope and a cane to be brought. Raghuvanshi stopped him and asked me to sit on the floor near him. He handcuffed me and then asked me to tell him the truth about the blasts. I told him that I was innocent. At this he started kicking on my head with his shoes. During this assault, one of his fingers came under his own shoe and got crushed. He screamed in pain. He got further angered and said to me that he would now break each and every bone of my body. When I saw that there was no use of telling the truth before him, I again told him their fake story, the one that I had narrated the previous night. During this visit to Raghuvanshi, I saw accused no. 6 Muhammad Ali there.

Police take me home in tortured condition

On 22 October 2006, inspectors Tonpi and Kandharkar took me to Chandan Chowki. They took me to Malad from there in the evening. They did not tell me why they were taking me and where. They asked me to show the office of *Tanzeem-e-Walidain* where I used to conduct mobile repair classes. I complied. It was a Sunday. Hence, the office was closed. Then they took me to my home at Mira Road. My neighbour Iqbal Qureshi saw me, but he did not say anything due to police presence. My mother and the female members of my family were at home. I was limping due to torture. My mother saw the signs of torture on my body and asked me whether they had tortured me? I did not answer my mother due to the police being with me. However, I gestured at my mother in affirmation. Kandharkar then asked my mother as to where the tools of mobile repair were. I told him that all of my tools were in

Malad. He then asked me about the SIM. It was not found. I have attached a copy of the ATS log book which confirms that they had taken me to Mira Road that day.

Fake *panchnama*, forced signature

On 23 October 2006, officer Kandharkar and others started taking me somewhere. They did not tell me where and why. They took me to Malad, where I used to conduct classes. A supervisor named Mushtaq was there in the class. The police enquired with him regarding me. They asked them my duty timings. The supervisor informed them that I was regular in my duties. They showed the officers my record data. The officers asked for all my mobile repair tools and collected them in a bag. They did not perform any *panchanama* at that moment. They then took me to Lamington Road and reached Girgaon. They stopped at a computer and electronics market. They showed me those tools. They then took me back to Kalachowki. Tonpi sat and wrote something for a while. I was unable to see what he was writing. After sometime he called me and asked me to sign on the papers. When I refused to sign, he started torturing me. I took the papers and read a part of it. He again started thrashing me and asked me to sign the papers without reading them. When I got my chargesheet, I realised that it was a fake *panchanama* of recovery from Malad on which I was forced to sign.

Main witness under police control

On 23 October 2006, I saw AN Roy at Kalachowki. I never expressed my desire to confess during my entire police custody. On the contrary the police had been pressurising and torturing me to accept and enact their wrong story. On 23 October 2006, I saw the Malegaon blasts accused Noorul Huda. He was stripped of his upper garments and ACP Dhavle was thrashing him horribly. Kandharkar and Tonpi then took me to Bhoiwada lockup. There I saw a person who seemed quite intimidated and scared by the ATS. I enquired and came to know that his name was Alam Qureshi. He later acted as a fake witness in this case. He was pleading with the officers that he had been locked up for several days and asked them to release him as Eid was approaching. I was put up with accused no. 8 Abdul Wahid, in Bhoiwada lockup. He

saw the marks on my body and wanted to know my condition. I told him the whole story in detail; how I was framed up and tortured.

Raju Mani Tapi: A regular *pancha*-witness

The ATS forged a false recovery document and claimed that my mobile repair tools were used in bomb-making. Raju Mani Tapi was the person who singed on the *panchanama* and also came to the court to bear witness. When I enquired regarding this Raju Tapi through RTI, I came to know that he was a regular *pancha* witness for the police department. He served his police masters similarly in many other cases. He had given witness statements for the police in Sewree court and sessions courts previously.

Forced to sign on counterfeit confession

On 24 October 2006, my mother registered a complaint in court saying when I was brought to our home on 22 October 2006, there were signs of torture on my body. She demanded that my medical checkup be performed immediately. On 23 October 2006, Tajne told me that he was going to take me to a higher officer. He asked me to keep quiet in his presence and sign wherever he asked me. He threatened me if I refused to sign, he would torture me endlessly. Then they took me to DCP Sanjay Mohite. The ATS officers did not leave the office. The DCP asked me my name and as to why I was arrested? I told him that I was innocent and was wrongly implicated in this case. The ATS officer Khandekar got infuriated at this. He started slapping, abusing and threatening me. I was then taken to GT hospital. On the way, I was asked not to say anything to the doctor about torture. I kept quiet before the doctor. The doctor did not perform my checkup. The officer had a chat with the doctor and then I was taken to Azad Maidan police station. It was the holy month of Ramadan. I was fasting, but I was not given anything to break my fast on.

The next day I was taken to DCP Mohite. There I was forced to sign some written papers. I was not allowed to read them. I requested DCP Mohite to let me read the papers, but he refused and said Khandekar would let me read them. I was then taken to Kurla West where I was made to sit beside (not in) the police

station for about 30-45 minutes. ATS officers too were there and they kept threatening me constantly.

Then they took me into a nearby building to a mysterious person. Nobody told me who he was. He just asked me whether everything was alright? I got a hunch that this person seemed like a magistrate. So, I told him that I was implicated falsely. He had an envelope in his hand. He told me that at the moment he couldn't do anything to help me. He also told me that he could not even open the envelope at the moment and that my advocate would have to fight for me in the court. I did not tell him anything about the police torture, nor did he ask me anything regarding it. I was then taken back and we headed somewhere. Throughout the way Khandekar kept threatening me that I was being taken to a court and asked me to keep quiet.

ATS has no respect for court order

When my mother registered a complaint on 24 October 2006, in the MCOCA special court that I was being tortured, the judge passed an order that I be produced in the court the next day, 25 October 2006, at 12 noon. But the ATS did not comply with the order and indulged in recording my forged confession. According to the law, the ATS must have been tried for contempt of court, but, unfortunately, no such action has been taken against them so far.

I was produced in the court in the evening at 4:30 pm. ATS officers Dinesh Agarwal and Khandekar were constantly staring at me in an intimidating manner. The judge asked me whether I was tortured, but I was intimidated by the presence of ATS. Hence, I did not say anything. However, he noticed the wounds and bruises on my body and ordered a medical checkup at JJ hospital. I was then taken to Azad Maidan police station and made to sit there for an hour. Then the ATS took me to JJ hospital. I did not say anything to the doctor due to the threats by ATS officials. The doctors noticed many signs of torture on my body. My private doctor Ashfaque Ubare and my brother Dr. Javed were also present there at that time. They too noted the signs of torture on my body in there diaries. As many as 11 signs of torture were noticed and registered on my body. But, strangely enough, during the same period, when I was taken for medical checkup at KEM hospital and GT hospital, the doctors wrote that there were no

signs of torture on my body. They gave a report that I was normal. I obtained the report of my medical checkup through RTI and submitted the same to the MCOCA special court.

False story recorded on camera

I was taken to Kalachowki from JJ hospital. Tajne, Khanvilkar and Sachin Kadam threatened me that they were again going to produce me in the court tomorrow and I must remain quiet there or else they would implicate me and my family in Malegaon blasts case. Sachin Kadam gave some papers and told me to memorise the story written on it so it could be recorded on camera. He recorded my recitation of the false story on camera. He then threatened me that if I complained to the court regarding the torture, they would produce the video in the court and also sell it to the media.

At 9 am on 26 October, 2006, they took me to the torture chamber of Kalachowki police station where Raghuvanshi was sitting. He offered me to become a prosecution witness and told me that if you do not accept this, someone else will and you will be hanged. He further enticed me saying that if I became a prosecution witness, I will be released within a month. Then they led me out of that chamber and I saw them taking accused no. 6 (Muhammad Ali) and then the accused no. 12 (Naved) to that chamber.

Sent to Byculla jail

On the same day Tajne took me to the court. Along the way he kept threatening me not to say anything in the court or else they would implicate me in Malegaon blasts case also. Accordingly, I did not complain about the torture in the court. However, I still told the court that DCP Sanjay Mohite had taken my signatures on some written papers forcibly and he had not let me read them. At that time, I did not even know what actually a confession is. The public prosecutor under the false pretext of our security misled the court to send us to Byculla prison instead of Arthur Road jail. They thought they could easily put pressure on us in Byculla jail and turn one of us accused into an approver (government witness). The judge readily agreed to the PP's reasoning and sent us to Byculla jail.

Details of wounds and torture marks in jail medical report

On 27 October 2006, the jail doctor at Byculla performed a medical checkup on me and my other four co-accused. I obtained the medical report through RTI which confirmed the marks of torture on my and Majid's bodies. I have submitted the report to the court. The Byculla jail does not have high-security barracks. Thus, the jail superintendent sent us the same evening to the Arthur Road jail.

ATS pressure to make approvers in Arthur Road jail

We were locked in barrack no. 1 in Arthur Road jail which was not a high-security barrack. It was a barrack for elderly inmates. On 7 November 2006, except Muhammad Ali, all of us were later shifted to the *anda*-cell barracks. During this period, I noticed that the jailor Govind Patil and other staff used to come for Muhammad Ali, Majid and Naveed Khan saying the ATS had come to meet them. When they used to return after meeting the ATS, I would ask them as to what the matter was. They told me that the ATS was asking them to become approvers in the case. Naveed Khan told me that the ATS has promised him Rs 25 lakh, a job in the Gulf, and a flat in exchange for accepting their offer. On 7 November 2006, I asked jailor Govind Patil as to why Muhammad Ali was not kept with us. He told me that he had been instructed by Raghuvanshi to do so. He told me that they (the jail staff) were playing the role of bridge between us and the ATS. During this period Raghuvanshi, Tajne, Vijay Salaskar, Khanvilkar, Kadam and other ATS officers used to visit my co-accused. The superintendent, Swati Sathe, and the jail staff took personal interest in the matter and helped the ATS.

Complaint against ATS in MCOCA special court

I was not put through any identification parade in the jail. In fact, I did not even know what an identification parade was. The documents that the ATS has attached to the chargesheet regarding the identification parade are all false. On 9 November 2006, other accused and I were produced in the MCOCA special court. We complained before the court that we were innocent, we had been falsely implicated and we had not made any confession. I also submitted the same complaint in writing to the court through my

advocate. I asked my co-accused as to how come my name appeared in their confessions? They told me that they had not made any confession at all. They also said that they too had been falsely implicated like me.

When we refused to accept the ATS offer (to turn approver), they got upset with us. Furthermore, when I complained against the jail authority, the jail staff also was miffed at me. They were waiting for a chance to get back at me. I was shifted to the criminals and gangsters' barrack. It was always full of smoke of cigarettes, beedi and other stink. Again, I complained about the matter to the higher officers.

During the police custody, the ATS would bring many of their regular witnesses and ask them to recognise and memorise our faces well so they could bear false witness against us later in the court. I sent an RTI query and asked for the diary of crime branch unit VII, Ghatkopar station. It mentions clearly that I was arrested on 7 July 2006 from Jogeshwari and brought to the station for enquiry. It also mentions that the enquiry was pertaining to the 7/11 blasts and that they had called Dr. Javed and had recorded his statement too. Both our mobile numbers had been noted in the diary. It further says that the police had been to Bhatkal, Karnataka, to enquire about a person named Riyaz Bhatkal. Similarly, that Muhammad Ali and Amar Khan's brother, Sardar Khan, were also called for enquiry. Another person named Obaidur Rehman son of Abdur Rehman is also mentioned to have been called for enquiry. But, later this person's name appears in our chargesheet as a witness. However, he was not called to bear witness in the court.

I do not know any of the accused of this case except accused no. 14, Ehtesham, and accused no. 8, Abdul Wahid. Rest I saw them either during my illegal detention or in jail. I did not go to Govandi during 1st to 11th July, 2006. Whatever is written in my confession and the confessions of my co-accused is a lie. Whatever witnesses deposed in the court about me is either false, given under the pressure of the police or to help the police.

My mother had filed a complaint in the MCOCA court against my torture on 24 October 2006. I sent an RTI query and obtained its certified copy from the court. Later, I came to know that the ATS had made the original copy of my mother's complaint

disappear from the court's file. Consequently, I submitted its certified copy to the court and requested it to take it on record.

Connection with Indian Mujahideen

Sadiq Israr Shaikh was arrested on the allegation that he was a member of India Mujahideen. The police recorded his confession too. I obtained the copy of the same and submitted it to the court. The confession says that Sadiq Israr Shaikh had confessed before a DCP that Dr. Shahnawaz and his group had executed the 7/11 blasts. I submitted a copy of Sadiq's confession to the court. But, the ATS made it disappear, so that we could not prove our innocence in the court. I had written to the collector's office Mumbai and had asked for all the documents regarding this case, but the ATS sent a letter asking them not to give us any information regarding it. I again sent an RTI query and obtained the letter written by the ATS.

Before imposing MCOCA on us, the ATS had given many applications for my remand. All those applications too went missing. I later came to know that these applications were in Mazgaon court. I sent an RTI and asked for the remand application copies but I was not obliged. ATS Inspector DN Mohite wrote to the court and asked them not to give us the remand application copies. I later obtained a copy of the letter and have submitted the same to the court. This is how the ATS denied me my fundamental right to defend myself.

Not even law books

When my family came to see me at the jail, the staff did not let them meet me and misbehaved with them. My family had brought some law books for me. They did not let them give me even those. Accused no. 8 Abdul Wahid and I complained regarding this denial to the higher authorities. This irked the jail superintendent, Swathi Sathe, and staff. They conspired to raise a false alarm and transfer us to some far away prison for complaining against them. Accordingly, they sent us to Nagpur jail after raising a false alarm. When we were being sent to the Nagpur jail, I saw the ATS officer Sachin Kadam sitting in Swathi Sathe's office and watching the whole episode of false alarm on CCTV monitor. We were brutally beaten before being sent to Nagpur jail. I was kept away from my

family and my advocate for 15 long months and they denied me my right to defend myself. I complained regarding the torture to the court from Nagpur jail. My co-accused also sent the complaint. The court ordered a magistrate's enquiry regarding the matter in which the jail staff was found guilty and a criminal case was registered against them in the Dadar court which is under proceeding till date. Some accused complained about this episode to the high court, which ordered an enquiry in the matter, in which again the jail staff was found guilty. The high court ordered the government to take action against the jail staff and asked for us to be immediately brought back to the Arthur Road jail. Thus, we were brought back to the Arthur Road jail.

Police case against Dr. Malini

After being sent to jail, it took me some time to recover from the fear and torture. I sent a written application to the MCOCA judge complaining against the doctor who subjected me to narco test. Today, even after six years, there has been no action against her. Similarly, I had sent a written complaint to the high court regarding my torture. The high court has given no reply regarding the matter even to this day. Dr. Malini conducts narco test of the accused according to ATS instructions and gives a report that suits the latter's purposes. The reports are prepared in the form of CDs (video recordings). The Kerala CBI has submitted a report in the high court, which says that Dr. Malini has submitted fake documents and procured a higher post in Forensic Science Laboratory. A case has been registered against her in Bengaluru high court. I have submitted all documents regarding this case to the court.

When inspector Shailesh Gaikwad was made in-charge of Thana property sale, he reportedly received bribe from a dance bar. The police department had taken action against him and the news had appeared in the *Mumbai Mirror*. The news carried photos of Raghuvanshi and Gaikwad. I have submitted a copy of the same to the court. Gaikwad is the same person who had tortured me.

Who did the 7/11 blasts?

When I was in Nagpur jail, I read in a newspaper which reported a press conference held on 6 October 2008, in which the Mumbai police commissioner Hasan Ghafoor, crime branch chief Rakesh Maria and ATS chief Hemant Karkare had said that the 7/11 blasts were done by the Indian Mujahideen. In 2010, the Government of India sent an important dossier to the Government of Pakistan saying that Riyaz Bhatkal and Dr. Shahnawaz were involved in 7/11 blasts. *The Indian Express* had published a report regarding it. I have submitted a copy of the newspaper to the court. I have submitted all the data I have come across, regarding Indian Mujahideen to the court. Regarding the Gokul Chat blast, the Hyderabad police had submitted the chargesheet, which contained an email sent by the Indian Mujahideen to the newspapers before the blast. The email clearly mentioned that the 7/11 blasts were done by the Indian Mujahideen. I have submitted a copy of the email to the court.

Indian Mujahideen CD

The CDRs of both my mobile numbers (Airtel and TATA) clearly show ATS numbers in my call logs. I procured the chargesheet regarding the Antop Hill Encounter and the photo of the accused killed. On 3 November 2006, an unknown ATS officer wrote to the Prime Minister of India, the Governor, the Home Minister and other authorities that all the accused arrested in 7/11 blasts case were innocent. He also said that the ATS was implicating innocent men in the case due to pressure from the higher officers. He also said if summoned, he and other ATS officers would definitely explain the conspiracy of false implication in detail. On 5 November 2006, this news was published on the first page of *Urdu Times*. On 15 October 2008, Zee News channel telecast this letter and the photos of members of Indian Mujahideen, saying this news had brought embarrassment to the ATS. I saw the CD of the news and have submitted it to the court. I request the court to see this CD at least once before passing the verdict. (The court did not see the content of the CD.)

Raghuvanshi's shenanigans

On 6 October 2006, a person named Hasan Ghafoor had appeared in a press conference. I saw the telecast of that press conference. I obtained the email sent by Indian Mujahideen and the confessions of all three accused in the Indian Mujahideen case and submitted it to the court. In his confession Sadiq Israr Shaikh clearly admitted before the DCP that he had committed the 7/11 blasts. Similarly, Muhammad Arif has confessed that he was sure that the 7/11 blasts were a handiwork of Sadiq and his team. The crime branch had submitted many documents at that time and had confirmed that the 7/11 blasts were done by the Indian Mujahideen. The crime branch had conveyed the same to the ATS. Shri Hemant Karkare was the ATS chief back then. Unfortunately, he is no more now. Raghuvanshi was made the ATS chief again after Hemant Karkare. Raghuvanshi got Sadiq arrested under the 7/11 case. He pressurised his subordinates to record baseless statements from Sadiq under Section 164 and later got him discharged, so that their biases and blunders in the investigation remained unexposed. However, Sadiq's statement recorded under Section 164 did not carry his signature, which is compulsory according to the rule. The ATS has done great injustice to me by wrongly discharging Sadiq and falsely implicating me in the case.

I am a 100% innocent. I have never been a member of SIMI or Lashkar, or any other terrorist organisation for that matter. All the documents and witnesses produced against me in the court are false. The police were unable to produce even a single witness in the court to establish my connection with the SIMI. The ATS claim is false that I had given shelter to some Pakistanis at my home. I have never bought a house, nor have taken one on rent, other than the one in Mira Road. It is false that I had set the timers for bombs at Muhammad Ali's house in Govandi. Despite recording their statements, the ATS did not produce the witnesses, Bilal Kadiwala and Iqbal Qureshi, in the court, despite our repeated insistence. The ATS did not produce independent or normal witnesses. They summoned only those witnesses whom they had coached according to their convenience. All allegations levelled against me are false. The ATS imposed MCOCA on us so that they could forcibly record our statements. Also, the ATS did not summon a magistrate to authenticate our confessions in the court.

With such ATS false chargesheets in 7/11 and Malegaon cases the ATS has cheated and misled the nation, the masses and the judiciary. I request the court to order reinvestigation of the case and release me on bail till its completion.

All accused in this case are innocent. We are mere scape-goats for some political masters and their puppet police officers, to fulfil their ulterior motives. Despite two months of investigation, when the ATS failed to catch the real culprits, they found us soft targets and implicated us falsely.

ATS officers should be punished

During the winter session of Maharashtra Assembly, Leader of the Opposition, Gopinath Munde, raised questions about the dubious nature of the ATS investigations in the 7/11 case. I acquired the text of the records of the related Assembly proceeding through RTI and deposited the same in the court. The only reason for my arrest in this case is that I was always easily available to the police. I request the court to order a fresh enquiry into this case by NIA and to punish the ATS officers who have falsely implicated me in this case and pressurised me through torture to own up their fictitious story.

I have complete faith in the lawyers defending me. I do not know wherefrom the police arrested my co-accused. But before their arrest, I had seen the accused Muhammad Ali and Abdul Wahid in the custody of ATS. It is wrong that Asif Khan is the mastermind of this conspiracy and that I am connected to him in this conspiracy. To prove my innocence, I got my mobile call details record placed before the court. This call detail record shows when and which ATS/Crime Branch officer phoned me, when I phoned them and where I was on the day of the blast. It is wrong that Dr Tanveer used to phone me from a PCO near Fauzia Nursing Home or that that PCO was used to give instructions to all the accused to commit illegal activities.

Appearance of defence witnesses to prove innocence

I studied the chargesheets submitted by the police in the Jaipur, Ahmedabad, Hyderabad, Varanasi, Lucknow and Delhi bomb blasts cases. I have also read and watched the press and TV reports about them. I personally do not know Riyaz Bhatkal *alias* Roshan

Khan or Iqbal Bhatkal *alias* Muhammad Ali. Personally, I do not know who caused the 11 July, 2006 blasts in the local railways. I do not know anyone of those arrested in the Indian Mujahidin case. But since Asrar Shaikh himself had confessed in his statement on oath and Arif Badr and Ansar Shaikh had confirmed that they knew that Asrar Shaikh had indeed caused the 7/11 blasts, they were called to bear witness in our defence. It is not true that the summoning for witness was a part of terrorist's *modus operandi* to shift blame on someone else. It is true that I was taken to various hospitals for medical checkup, but no checkup was actually ever done on me. Except only for one time after the court's order when I was sent for medical checkup, on 25 October 2006. The public prosecutor did not ever summon the doctor who had performed my medical checkup. My brother-in-law Abdul Wahid and I were both kept under illegal detention during August 2006. I feel I was arrested because I caught their attention due to my previous cases. I used to very promptly report to the police officers whenever asked to and I feel I did the right thing. It is not true that I would destroy the documents prepared by the ATS under the pretext of reading them so that the ATS could not produce them in the court against me.

It is wrong that after the blast I went to UP with the intention of running away and that my brother was not willing to call me back, that therefore police told my brother to call me to Delhi by sending me a telegram. I am not involved in any "continuous illegal activity". It is wrong that in order to defame him, I am alleging that Khanvilkar is a corrupt officer. It is wrong that I lied that the prosecution witnesses in the case are professional witnesses. The station diary presented by the ATS in this case is all fake and prepared later.

It is wrong that I am levelling baseless and fake allegations against the police that they tortured me, that they took my signature on the confessional statement by force, that they forced me to become a prosecution witness and enticed me for same, that I was kept in illegal detention. It is also wrong that I willingly gave the confessional statement, that on my indication the police procured the suspicious material, that with the help that material I fabricated the timer for the bombs, that I was present in the house of the accused Muhammad Ali while making the bomb, and that is why witness Amar Khan recognised me, that I and my brothers

intimidated the witnesses and therefore they did not depose in this case, as a result of which I (Sajid) was acquitted in the case of distributing pamphlets in Andheri. Also, it is wrong that I gave false testimony and deposed in the court according to the Al-Qaeda Manual.

Analysis of Sajid's statement

When the accused Sajid was taken to Bengaluru, I (the author) too was taken for the same purpose. The ATS had obtained our signature on consent to narco test forcibly. But even the judge did not bother to ask us for even once whether we were willing to undergo the narco test or not? The judge did not even ask our advocates their opinion regarding us, the accused, being sent for the narco test. She just completed the paperwork and sent us away.

Despite the court's order, the ATS did not produce Sajid in the court on 25 October 2006 at 12 noon and pretended to be busy recording his confession. He was produced after a delay of almost four and a half hours. Had the court given an advocate representing someone made such a delay, first of all the court would have strongly questioned the delay and later would have punished him for contempt of court. The court, after noticing the marks of torture on Sajid, simply sent him away for medical checkup at JJ Hospital. The hospital sent back the report to the court and the court took the report on record. Sadly, despite the report the court did not accepted till date that Sajid was tortured and the marks on his body confirmed the assault. The court did not give any importance to the medical report.

An important precautionary measure

Sajid's mother had submitted an application complaining against the torture of her son. But the ATS made the complaint go missing. The ATS and police make sure the documents that can help exonerate the accused go missing. This is their typical *modus operandi*. And the courts smugly shrug their shoulders saying the documents had been misplaced. So, whatever documents you submit to the court, it is very important that you obtain a certified copy of the same and produce them again in the court when they say the documents have gone missing.

A new story after seven years

The ATS claims that all accused in this case knew each other very well, were in continuous touch with each other and were involved together in planning and executing the conspiracy. During August 2013, it was claimed that Dr. Tanveer used a PCO near Fauzia nursing home to pass instructions to co-conspirators. If the PCO was so important that it was used as a command post, then why on earth has the ATS not submitted CDR/EDR of the device? Why is the ATS hiding the data? After seven years of this case, following the high court's order the accused obtained CDRs of their mobile numbers. When the ATS found that a common number keeps appearing in some of the accused's numbers, they linked it to Dr. Tanveer and feigned as it was a great secret the ATS had manged to keep under wraps for so long. The fact that the ATS had hidden the PCO's number is evidence to the fact that the whole story is a big lie. They are just hiding their lies with their senseless arguments.

Defence witness Iqbal Qureshi

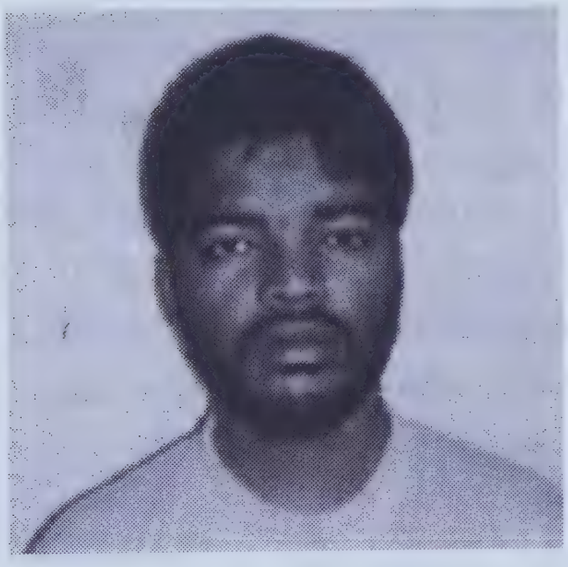
The accused Muhammad Sajid had demanded his neighbour Iqbal Qureshi as the defending witness. Iqbal deposed before the court that Sajid was a soft-spoken, religious, reserved and introvert person. He told that the police took Sajid for investigation after the 7/11 blasts and that one day he saw a police vehicle outside Sajid's residence in which he saw policemen along with Sajid. He informed that Sajid was limping due to torture and seemed visibly terrified. This witness's statement proves that Sajid had not gone missing, nor had he run away. It proves that he was in fact under police custody. It also establishes the fact that he was tortured and that he had not given shelter to any Pakistani at his home. Iqbal said that he always saw Sajid alone and did not ever notice anyone accompanying him. Iqbal Qureshi is the owner and secretary of the apartments in which Sajid and family stay. Had Sajid brough any Pakistani with him, Iqbal would have surely noticed and would have informed the police. But, he did not do so because the fact is that nothing of that sort did ever happen.

Defence witness Bilal Kadiwala

Bilal Abdul Jamal Kadiwala is the owner of the shop where Sajid used to run his mobile repair counter in Jogeshwari. Bilal informed the court how he rented a counter of his shoe shop to Sajid. He confirmed before the court that contrary to the ATS claim, Sajid was very much at the shop on the concerned dates, from 8 to 11 July 2006. He narrated how on 11 July 2006, he heard a loud noise and made Sajid stay at the shop and how he himself went ahead to enquire about it. It was Bilal who informed Sajid that there had been a blast at the station. In fact, Sajid, on coming to know about the blast, rushed to the station to help the injured, but it was too late and the area was already overcrowded. Later, Sajid and Bilal closed the shop and left for home early that day.

Bilal's witness statement is of great importance, because Sajid's location in his CDR is of Jogeshwari. The statement proves that the ATS wrongly implicated Sajid in the blasts and its conspiracy. The brightest aspect of this episode is that Iqbal and Bilal were not intimidated by the ATS. They did not back down from speaking the truth in the court. Unfortunately, the court paid no heed to their witness statements and believed in the lies of ATS and sentenced Sajid to life.

Accused no. 8 : Abdul Wahid Muhammad Shaikh



I spent my childhood at Ghatkopar, Mumbai. After completing my education, I joined as a teacher at Anjuman-e-Islam Abdus Sattar Shuaib School, Mumbai. I got married in 2003. Since my Ghatkopar house was not big enough to accommodate my entire family, I shifted to a flat at Mumbra. I used to stay with my parents, my wife, my children, my two younger brothers and their families. Almost a year after my arrest, my father passed away as he was unable to recover from the shock.

False case

On 27 September 2001, when I came home after offering my *Isha*[a] prayers at Madina Masjid, Park Site Vikhroli, the police arrested me and took me to the station. Many other youths were also brought there like me. I was then officially arrested in some case along with some others, namely (1) Irfan Abdus Salam Shaikh, (2) Imran Abdus Salam Shaikh, (3) Amar Khan Sardar Khan (witness in 7/11 case), (4) Jabbar Khan, (5) Ameerullah Khan, (6) Abdul Azeem Rasheed Qazi, (7) Jamshed. The police arrested all eight of us on 28 September 2001 and produced us in court. The police did not inform us, nor our family for what offense were we arrested. The police took us in custody and started harassing us. As a result, one of our co-accused suffered a heart attack and he was admitted to the Raja-Wadi hospital. Minister Muhammad Naseem had been to meet us at the lockup. We were later released on bail after two months on the condition that we showed our attendance at Park Site police station. I obeyed the court orders and registered my presence at the police station regularly.

Acquitted in the SIMI case

In 2005, the police submitted a chargesheet in this case and it was only then that I came to know that I had been framed up on the allegation of being a SIMI member. They alleged that despite a ban by the central government on SIMI, I along with other accused were conducting secret meetings and were attempting to spread chaos and disharmony in the area. The legal proceedings went on in the Vikhroli court and finally after 12 years I was acquitted of all the allegations in this case. The court refused to accept that the accused were SIMI members because the police did not have even a single evidence to prove their claim. I have submitted the verdict copy of Vikhroli court.

Where was I on the day of blasts?

During July 2006, I used to stay at my rented flat in Mumbra. Except for Sajid Ansari, my relative, I did not know any of the accused in this case before being arrested. On 11 July 2006 I was having a casual chat with my neighbour Munna Bhai. It was late in

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[a] Obligatory night prayers in Islam, generally around 8 to 9 pm.

the evening. We started getting the news of blasts in local trains. We saw in the news that there had been blasts in the first-class compartments of seven different local trains. It was heavily raining at that time and I saw that people were rushing to help the injured to reach hospitals. The blast sites were crowded with the police and public. My wife and my kids were at my home. I was at my home that whole day and the night. Nobody visited my home that day. After my *Isha* prayers I called my brother Zubair in Vikhroli and asked him where and how he was. He said he was fine. He informed me that the Park Site police was calling me. I told him that I would visit them tomorrow.

I did not give shelter to any criminal

The ATS claim that on 11 July 2006, I was not in Mumbra, but in Vikhroli is false. They have further alleged that after the blasts I had taken accused no. 14, Ehtesham, accused no. 5, Majid, and some other Pakistanis to my relative Abdul Azeem Qureshi's residence, took my flat's key from him and put up all these men there. But the truth is I had never known accused no. 4 and 5, nor had I met them or seen them till my police custody. I saw them for the first time in police custody. It is totally false that I had given my flat's keys to my relative Abdul Azeem and had asked him to give it to Ehtesham whenever he asked. It is not true that Ehtesham had conducted conspiracy meetings at my flat.

The police's claim that I was a SIMI member is false. I had never been a member of SIMI, nor had I ever worked for the organisation. During 2001, the police made a false case against me, accusing me of being a SIMI member. The result of this case is that I am being harassed to this day. Whenever there used to be a blast or a terrorist act, the police would call me and harass me in the name of enquiry. Similarly, after 11 July 2006, I was summoned to various police stations. I was harassed physically and mentally. I was also detained illegally for many days. At last, when they failed to catch the real culprit, they implicated me falsely in the case.

Enquiry at the local police station and release

As a law-abiding citizen of this country, when the police summoned me for enquiry, I went to the police station on 12 July

2006. I saw Amar Khan, Imran, Irfan and other already present there. Many officers at the station questioned me and asked me where I was, what I was doing *etc.* I gave them a detailed answer and told them the truth. Inspector Sonawane recorded my statement after a detailed enquiry. He then took me to the senior inspector. We had this conversation there:

SI: "Wahid what do you know about this blast?"

Me: "Nothing, Sir"

SI: "Who could have possibly done these blasts?"

Me: "I don't have any idea, Sir. I am just a common man. How could I say anything when the whole department is unable to?"

SI: "If such blasts keep happening in this country, then the life of Muslims will become miserable."

Me: (Silent)

SI: "Stop these blasts or else you Muslims will have to live in relief camps."

Me: "When I have not done the blasts in the first place, how could I possibly stop them, Sir?"

SI: "Okay. If you find anything regarding the blasts, do remember to fully co-operate with us."

Me: "Sure, Sir."

SI: "You leave your number with us. Whenever we need, we will call you."

Me: "Okay, Sir."

The SI noted my number in his personal diary, entered all my details in the station diary and let me go in the evening.

I sent an RTI and asked for a copy of the Park Site police station diary in which it was clearly written that I was called to the police station for enquiry regarding the blasts. I have submitted the diary to the court.

Released after enquiry at the crime branch

I continued my usual routine after this enquiry. On 16 July 2006, my brother Zubair (9870383933) got a call from the crime branch unit Ghatkopar and the officer on the phone asked my brother to inform me to appear at their office for enquiry. Accordingly, my brother informed me and I went to the Ghatkopar unit VII on 17 July 2006. Amar Khan, Imran, Irfan, *etc.* were present there. I saw my friends Jafar Suraiyya, Anees and others also sitting there.

The officer at the crime branch questioned me in detail. I reiterated that I did not know anything regarding the blasts and that I was busy with my duty and my family. I saw many people called for enquiry there. I also saw my relative Sajid Ansari there. The police threatened me not to leave the city and report immediately whenever summoned. I was later released in the evening.

I filed an RTI and obtained the station diary of crime branch unit Ghatkopar. It was clearly mentioned in the diary that I was called for enquiry on 17 July 2006 and that after detailed enquiry, the officers were satisfied and they let me go. I have submitted the diary to the court. The diary also has entries which mention that Amar Khan, Imran, Irfan, Jafar Suraiyya etc were all called for enquiry regarding the 7/11 blasts.

Vijay Salaskar's enquiry

The police kept on continuously troubling my brother asking him to send me to various police stations for enquiry. Fed up with the calls my brother ultimately gave me his mobile phone, numbered 9870383933. After this I started carrying this mobile phone all the time. On 14 August 2006, I was taking a class as usual when I got a call from the office that head mistress wanted to see me. I complied and went to the office. I saw three officers there. They introduced themselves as: Nitin Ramchandra Alaknure, Dalvi and Maekar. They said they were from Vijay Salaskar's office. They asked me whether I was Wahid Sir. I replied in affirmative and asked them as to what the matter was. They told me that they had come from crime branch and wanted to take me to the office for enquiry and would let me go after some time. The head mistress told the officers that I was a good teacher, the office had no complaints regarding me so far. They did not believe that I would be involved in anti-social activity. They assured the head mistress that it was only a routine enquiry. I told the school staff that they would not let me off soon and those people were not as good as they were pretending to be. I asked them to inform my relative Mehmood Azeem that I had been taken by the police for enquiry. Mehmood used to work at a nearby office. So, I left with the police officers. I saw a private vehicle waiting for us outside the school. As soon as I entered the vehicle, these officers started thrashing and abusing me. I was shocked to see their sudden change of behaviour. They

continued their abuses and assault throughout the way and took me to DCP Railway's office outside Byculla railway station. They tortured me there mercilessly and locked me up.

At the DCP office they recorded my statement on a computer in Marathi. They took my finger prints and my photos from different angles. I was questioned by various officers and my statements were recorded repeatedly. Alaknure recorded my statement and told me that his higher officer, Vijay Salaskar, had gone out for some work. As soon as he arrived, he would interrogate me. He asked me to stay put till then. Salaskar came at 9 pm. I was taken to his office. He asked me regarding the blasts. I replied that I did not know anything about it. He kept asking me the question repeatedly and I told him that I did not know anything and had no connection with the blasts whatsoever. He noted down my name, address, my personal mobile number and the school phone number. He asked me whether I would run away from the city. I said: "Only those who have guilt in their hearts run away? Why would I run away when I have not committed any crime? What do I have to fear?" He then told me that he is letting me go on the condition that I would show up whenever asked to. At last, I was let go at 10 pm. I came out and called the head mistress of our school and informed her that they had called me for five minutes and left me after 12 hours. She asked me to come to the school the next day. I then went home. On reaching home, I narrated to my family the story of the day in detail.

On 15 August, Independence Day, I had been to my school to celebrate the occasion. My colleagues looked at me with a sigh of relief and consoled me that I was released because I was innocent. We then hoisted the tricolour and sang the songs of freedom in celebration. We celebrated freedom. But, little did I know that my own freedom was coming to an end, and I was about to be imprisoned despite my innocence, for the only crime that I was a Muslim.

Police abducts me from my home

On 17 August 2006, I was at my Mumbra flat with my family. At about 2 am in the night someone rang my door bell. I opened the door and saw that some men were standing there. They just barged into my house. I realised that they were ATS officers namely,

Khanvilkar, Sachin Kadam, Dinesh Kadam, Varpe, Dhamankar, Ghagh Commander, *etc*. They told me that they had come from Mumbra police station and asked me to come with them for enquiry. They as usual assured me that they would let me go in a while. In the meanwhile, they searched my entire house. I got dressed properly and informed my wife that they were asking me to come with them for enquiry. As soon as I stepped out of my flat and was at the steps, they started thrashing me. They then took me out of the building, asking me as to who were involved with me in the blasts. I told them that I had not done any blast and I was innocent. They heckled me on the road where two Tata Sumos were waiting for us. They started hitting me with canes and boots and asked me to show the houses of those who were involved with me in the blasts. I told them I did not know any such person or their houses. They said: "Well then! We will take you to their houses."

They then took me to a nearby building and brought a person from there. Then they put him too in another vehicle. Now both the vehicles headed towards Thane. They stopped the vehicles at Thane Khadi Bridge and took me out of the vehicle. Inspector Sachin Kadam took out his pistol, placed it on my temple, and asked me in a threatening tone: "Tell me who did the blasts or else I will kill you... I will kill you in a fake encounter and throw your body here in Khadi. Nobody will ever be able to find your dead body, nor will anyone ever know who killed you. Even your family has not seen us bring you here!" I started weeping profusely and pleaded my innocence before them. Frustrated and infuriated at my reply, he put me back in the vehicle and threatened: "*Tujhe aage dekhunga!*" (I will see you later).

Illegal detention in ATS custody

On 18 August 2006, at about 4 am in the early morning, our vehicle stopped at a police station. I later came to know that it was ATS Kalachowki. They then took me to the torture room where a person was already being tortured. I saw an officer in the torture room. This dark, frightening-looking person stripped me naked and started beating me with a belt. He kept asking me repeatedly as to what I knew about the 7/11 blasts. I kept reiterating that I did not know anything. I informed inspector Varpe that I had been

already interrogated in detail at Park Site police station and crime branch Ghatkopar by Vijay Salaskar. I told him I had already replied to them satisfactorily and pleaded him to let me go. He did not believe my words and threatened me saying: "You will be arrested for 7/11 blasts and the next day the front pages of all the newspapers will say school teacher arrested in the blasts case!" After torture and interrogation of about 2-3 hours, he handcuffed me and locked me up. He took all my belongings such as my watch, money, my identity card etc. I was made to spend the whole night on a freezing floor.

Encounter threat

There was another person in the lockup whom the ATS had brought in another vehicle. I asked him his name and came to know that he was Parvez Khan. At about 10 am, inspector Arun Khanvilkar and Tajne came to me and started questioning me about the 7/11 blasts. When I told them that I did not know anything about the matter, they started torturing me. After a whole day of torture, various officers recorded my statement independently. Then my statement was recorded in Marathi on computer. Later in the evening, the ATS tied me and Parvez to a toilet door and kept us standing there. I saw Sachin Kadam, Khanvilkar and Kolhatkar along with two other senior officers. I later came to know that they were ATS chief Raghuvanshi and Jaiswal. They came to me and started threatening me to tell the truth, or else I would have to face very bad consequences. Raghuvanshi slapped me on my face and kicked me in the groin. Then they left the room asking the officers to keep us tied firmly. Sachin Kadam came in a while and threatened me: "If you try to run away, I will kill you in a fake encounter."

The next day too, they kept torturing me the whole day. On 19 August 2006, Khanvilkar took me in his vehicle to Bhoiwada lockup. There I was horribly tortured and interrogated by ACP Patil, Raja Ram Bhanu Das Mandge and many other ATS officers. Mandge questioned me about SIMI. It seemed from his talks like he had a deep study of SIMI. I told him that I was deceptively arrested in the SIMI case, and other than that I did not know anything else about the banned organisation. He then recorded my statement. I saw a person with long hair there and noticed the

marks of torture on his body. He looked scared and intimidated. Later I came to know that he too was arrested in 7/11 blasts case and his name was Faisal Shaikh. ACP Patil noted my name, address and my mobile number in his personal diary. Khanvilkar, after torturing and foul mouthing me, took me back to Kalachowki and locked me up. As mentioned earlier the floor of the lockup was freezing, and I spent the whole night trying in vain to sleep on it.

On 20 August 2006, various officers again recorded my statement. *Hawaldar* Sangram recorded my statement multiple times. On 21 August 2006, I was taken to ATS Nagpada. I saw accused no. 7, my relative Sajid, there. Sajid told me that the ATS had been torturing and harassing him and had detained him illegally for many days. I was then taken to Raghuvanshi's office, who asked me about the blast. I told him the truth that I did not know anything about it. In a threatening tone, he said: "I will have to think something about you... I will have to make some or the other thing out of you." Khanvilkar then took me back to Kalachowki and locked me up.

Conditional release and threat

On 21 August 2006, at 8 pm in the night, my brother Javeduddin Muhammad Shaikh came to meet me at the Kalachowki. Khanvilkar informed me that I was being released and asked me to wait for a while. He made me and my brother to wait in ACP Dhawle's office. Both our numbers were noted down in the station diary. Khanvilkar came to me and told me that I had been released on the condition that I reported every day at Kalachowki. He cautioned me not to tell anyone about the torture, nor about all that I had seen there. He then threatened me that if I complained to anyone against the torture, he would teach me a lesson I won't forget. He warned me not to leave the police station's jurisdiction. I stood there in silence and agreed to every condition he made. At last, I was released at midnight at about 1 am, on 22 August 2006. Thus, I was illegally detained by the ATS from 17 to 22 August, for six days, and I was not produced before a magistrate, nor was I taken for any medical checkup during these days.

On 22 August 2006, I went to the ATS Kalachowki to register my attendance according to the condition. I saw two men locked there, of whom one was Parvez and the other was Riyaz

Nawabuddin. I later came to know that Riyaz was a Pakistani. The ATS made me sit for a while and then let me go after my attendance. Thus, I made it a routine to go to the ATS Kalachowki after my school and register my attendance. On 25 August 2006, when I had been to Kalachowki, I saw a person being brough out of the torture room. The marks of torture were clearly visible on his body and he was unable to walk due to it. I later came to know that he was Dr. Tanveer who was falsely implicated in this case like me.

The ATS station diary: An important evidence

I continued dutifully visiting the Kalachowki station for attendance. On 23 August 2006, I went to visit my relative, Mehmood Azeem Qureshi, at his house. Mehmood was threatened and pressurised by the ATS to act as a witness for them in this case. I met his father and narrated how the ATS had tortured and harassed me and how I was made to register my attendance at the Kalachowki every day. His father consoled me and advised me to have patience. Even during my visit for the attendance, I was interrogated many times by various officers. They all used to make me sit for some time and then let me go. At the school I used to narrate the ATS story of torture and harassment to my colleague Jameel Ahmad Ansari. He would console me saying I must have patience and not worry too much as I was innocent. He would advise me to continue cooperation with the police and I would soon come out of this trouble.

My illegal detention, my daily attendance at the Kalachowki during August 2006 and further such details are recorded in the station diary. I have submitted 30 such SDE diaries to the court after procuring them through RTI.

At last, ATS implicates me falsely

I was kept under illegal detention by ATS. Then I was made to visit the station every day to register my attendance, yet I did not complain about the ATS torture and harassment to anyone because Khanvilkar had threatened me with dire consequences and I was intimidated by the threats. On 13 September I was on my usual routine of taking classes. I had free time of a period so I went to have some tea at the school-gate canteen. At the road side I saw

inspector Dhamankar standing. He called me with a gesture. I went to him. In a threatening tone he said: "Varpe Sahab is coming with a vehicle... Just get into it without any fuss." A white four-wheeler approached us in a while. I saw Varpe sitting in it. He asked me to get into the vehicle. I got into it and asked him where he was taking me. He told me Raghuvanshi wanted to ask me some questions. Varpe got a call on his mobile on the way and I could make out from the conversation that it was Raghuvanshi on the other side. Varpe told me that Raghuvanshi had asked him to bring me to the Kalachowki. We reached there and Raghuvanshi too arrived in a while. He took me to the torture cell and we had this conversation:

Raghuvanshi: "What is your role in 7/11 blasts?"

Me: "None."

Raghuvanshi: "Don't lie to me."

Me: "I am telling the truth. I am innocent."

Raghuvanshi: "I have landed just now from Bengaluru. An accused has mentioned your name during his narco test. He said that you too were involved in the 7/11 conspiracy."

Me: "This is rubbish."

Raghuvanshi: (showing me his diary) "Look at this diary. It has your name and address written in it. I have not written it here. This was noted down in Bengaluru."

Me: "Sir, I have no connection with this case."

Raghuvanshi: "Listen, Wahid. We know everything about you. There is no use hiding the truth now."

Me: "Sir, I don't know anything."

Raghuvanshi: "I want to listen about your role in 7/11 from your own mouth."

Me: "I have no role in the blasts. You are under a misconception."

Raghuvanshi: "On 11, 12 and 13 July 2006, four Pakistanis had been to your Mumbra flat. You helped them with stay and food at your flat and then you helped them escape."

Me: "This is utterly false. My family stays at my home. No Pakistani did ever visit my home."

Raghuvanshi: "This is the truth and you will have to accept this truth."

Me: "This is falsehood and I will not accept this falsehood."

Raghuvanshi: "If you accept this, I will make you an approver and get you out of jail in two months. I am a Raghuvanshi, we never

fail on our promises. *Praan jaae par vachan na jaae* (Give up your life, but never betray your word.)

Me: "I am innocent. Let me go."

Raghuvanshi: "Now you have only one option left. Either be the accused and rot in jail or become an approver and get released soon."

Me: "Sir, don't implicate me falsely. Please let me go. I am innocent."

Raghuvanshi: (infuriated) "It seems he will not agree to us so easily. You people (pointing towards the officers) treat him properly and send me his images of torture. I am not used to hearing 'no' for an answer."

With this, all the officers pounced on me. I was again subjected to third-degree torture. They gave electric shocks to my genitals, inserted some chemical in my anus and tortured me so horribly that I started passing blood in my urine. Raghuvanshi himself initiated the torture and later he left the room asking his subordinates to beat me for so long that I accepted the blame of 7/11 on myself. Due to heavy torture, I fell unconscious.

14 days of illegal detention again, and torture

On 14 September 2006, in the morning, I saw two men being brought in for torture. These were the same men whom I had seen being tortured on 18 August 2006. I saw Naval Bajaj, Jai Jeet Singh and other officers there. The torture room was exactly opposite my lockup. I saw ATS officers torturing them. After being sent to jail, I came to know that they were Kamal Ansari and Ehtesham. In the evening that day my brother Javed had come to meet me. Khanvilkar came to me and informed me that my brother had come and told me that he had been visiting minister Arif Khan regarding me. He told me that the minister had called the ATS and had asked: "Why are you harassing Abdul Wahid repeatedly? He is innocent." He said that they had replied they would release me in the evening. Khanvilkar asked me to talk to my brother and instruct him not to meet the minister again, nor hire an advocate, nor complain to anyone against them. He then let me meet my brother. We had a brief talk:

Javed: "Bhai why are these ATS fellows harassing you repeatedly?"

Me: "Not just me, brother. They are harassing many Muslims."

Javed: "But you are innocent, Bhai. Then why?"
Me: "Being a Muslim itself is the biggest crime in their eyes."
Javed: "I am going to complain against the ATS then."
Me: "Who will you complain to?"
Javed: "To the police."
Me: "The ATS also is police... Police will not register a complaint against the police."
Javed: "Then what will I do, Bhai?"
Me: "Have patience. I am innocent, so they'll let me go sooner or later. And if you complain against the ATS, they might get irritated and implicate me falsely in the blasts case."
Javed: (started weeping.)

I consoled my brother. Then I assured him according to Khanvilkar's instructions. He left the place after sometime.

Third-degree torture

I was locked up illegally from 13 to 26 September 2006 for 14 days in Kalachowki. I was interrogated by various officers during this period and my statements were recorded manually and on computer. They tortured me using several methods and kept constantly pressurising me to accept the blame of 7/11 according to Raghuvanshi's story. I constantly kept reiterating that I was innocent, I had no role in the blasts. I said: "I am a teacher. My students are suffering losses due to my absence. So, let me go." Another person named Qamar Jafar was also locked up with me under the Arms Act. ACP Dhawle and inspector Iqbal Shaikh kept inflicting third-degree torture on me and recorded my statement. They would show several photos and ask me if I knew anyone amongst them. I did not know anyone of them. My mobile 9870383933 was with me during this period. During these 14 days I was not produced before a magistrate, nor was I taken to a hospital for medical checkup, nor was I allowed to see any advocate. I kept requesting Khanvilkar and Tajne to let me go. Every time they said they had Raghuvanshi's orders to detain me and they would decide about me later. After my repeated requests Khanvilkar consoled me saying: "We have interrogated you thoroughly for two whole months. You have no role in this case and you are innocent. I will talk regarding you to the higher officers. Have some more patience."

On 26 September 2006, I again requested Khanvilkar to let me go. He said: "The higher officers have not yet decided anything regarding you. So, you will have to wait." He left with these words. When he came back, I again pleaded with him that I was innocent and had been detained for so many days. At last, he told me that he was going to release me on one condition, that I would report to the ATS office whenever summoned, within an hour. He said he was letting me go on his own risk and asked me to keep Rs 200-500 always in my pocket so that I could immediately take a taxi and reach the ATS office. I agreed to his terms and he released me. I reached home and narrated the whole story to my brothers and my wife. My wife told me that we would have to complain against Khanvilkar, Tajne, Varpe and other ATS officers. I asked her to just drop the idea and keep quiet. I started reporting to the ATS office everyday according to instructions.

During my illegal detention of 14 days, one day I saw Kamal Ansari being tortured badly. He was taken into an open space and the ATS officers were trying to make him walk. But the poor fellow was unable to walk properly due to the torture. They kept forcing him to walk properly and swiftly. They had to produce him in the court. During these 14 days, I was not let go home for even a minute. I was locked up the whole time. But they wrote in their station diary that I was called to the station for enquiry in the morning and was let go with instructions in the evening to report again the next day. In this manner, the ATS entered false information in their station diaries, only to conceal my illegal detention. I procured all the SDE (Station Diary Entry) diaries through RTI and have submitted them to the court.

You are helping the ATS

On 27 September 2006, I went to the Kalachowki station according to instructions. I was not let go immediately. I was made to wait for some time. Inspectors Tajne and Dhawle asked me as to where was my passport and the agreement papers of my flat. I told them they were at my home. They asked me to get them the next day. The next day, on 28 September 2006, I went to the station with the documents. Tajne collected them from me. I asked him why they were collecting these documents from me. He told me that I was helping the ATS with my cooperation. I met my brother-in-law

Dr. Javed outside the station and I asked him how come he was there. He told me that his younger brother Sajid had been illegally detained for many days and had been brought to Kalachowki. He had come there to see him. I then went in to sign on the attendance register and met another person named Amjad Deshmukh. Amjad told me that his younger brother Feroz Deshmukh had been arrested in the Aurangabad arms haul case and that he too was brought to this station, so he had been there to meet him. The police asked me to stay there and did not let me go home. Later Varpe took me to Bhoiwada. They took me to the first floor to ACP Patil. ACP Patil again asked me the same questions as were asked by Raghuvanshi. He lied that some Pakistanis had stayed at my home after the blasts. I rejected the story. He again told (lied) me that there had been a conspiracy meeting regarding 7/11 at my flat and asked me what was discussed at the meeting. I told him that all this was a lie and no such meeting did ever take place at my flat.

That day my statement was recorded again. I saw my relative Mehmood Azeem Qureshi and his father there. Varpe was recording their statements. At about 6 pm in the evening, Varpe let all three of us go home. Varpe asked me to report again to the station next day. We went to Dadar from there. It was the holy month of Ramadan. So, we went to a *masjid*, broke our fast (*iftar*) and offered our prayers (*namaz*) there.

I reached home after *Isha* prayers. I was tired and exhausted due to day-long of running hither and thither despite my fast (*roza*). I started getting worried as to how long would this continue? My wife noticed the worry on my face and said we would have to complain against the ATS, especially Tajne, Varpe and Khanvilkar because they were harassing me for the last two months in the name of enquiry. I again deterred her strongly from doing anything of that sort, because if we complained against them, they would go ahead with their threat and implicate me falsely in the 7/11 case. My wife agreed with me and gave up the idea.

Arrested deceptively in 7/11 case

On 29 September 2006, I received a call from ATS *hawaldar* Dileep Bhaskar Ghag's mobile. He told me that I had been urgently called to the ATS office by Khanvilkar and Tajne. I asked him why. He

said they wanted to show me some photos and ask me if I knew them. I told him I was visiting the station every day, then what was the urgency that day? I told him it was *Juma* (Friday) and I would visit after the Friday prayers. He said officer Tajne was insisting it was urgent. I cut his call but he kept calling me again. I got ready, took an auto-rickshaw and left for the ATS office. Bhaskar called me again. I received his call and told him that I was on my way to Ghatkopar station. He asked me not to go to Kalachowki. Instead, he instructed me to come to Suresh cinema and said he was waiting for me with his vehicle. I asked the auto-driver to take me to the Suresh cinema and I got down there. Bhaskar took me to Kalachowki, and from there he took me to Bhoiwada. Sachin Kadam, Dinesh Kadam, Tajne, ACP Patil and others were there. I saw my brother-in-law Sajid in a room. In another room I saw a bearded man. Later I came to know that his name was Ali. The ATS handcuffed me and took all three of us to KEM hospital. The kept threatening me throughout the way not to say anything to the doctors at the hospital. I had my mobile phone with me and it was buzzing continuously with calls.

They took me and three other men (Sajid, Muhammad Ali and Majid from Kolkata) to Sewree court. ACP Patil, Khanvilkar, Tajne, Sachin Kadam, Dinesh Kadam and the whole staff was present there at that time. Tajne again threatened me outside the court hall to keep quiet before the judge. When I tried to say something, he interrupted me and said he would take me in police custody and torture me. I asked him in which case I had been arrested? He told me it was a murder case of Borivali and told me that he had arrested me only to take me into custody. Then we were all produced before the judge. Majid burst into tears and complained to the judge that he did not know for what crime he has been arrested. Judge Thipsay told him that he had been arrested on the basis of a suspicion and if he was innocent, he would be released. I kept quiet due to threats from ATS officers. We were then sent in police custody and taken to Bhoiwada lockup.

RTI busts the ATS story

The ATS invented a false story which said: On 28 September 2006, when the ATS learnt about my role in the 7/11 blasts, the IO of the

case, ACP Patil, inspector Khanvilkar, Varpe and others set out on a hunt to catch me in the Ghatkopar area in their official vehicle MH-01-BA-4328. They kept searching for me the whole day and whole night in the Ghatkopar area, but did not find me. Suddenly, they found me at the Ghatkopar station. They arrested me. Then they brought me to Bhoiwada, informed me of the reason for my arrest, made a *panchnama* and then produced me before the court. I say: this whole story is a big lie. I was not arrested from Ghatkopar (East) and the *panchnama* is bogus. It was not prepared in my presence. I used RTI to obtain the log book. This log book busts the ATS's false story, because, according to it, their vehicle had not been to Ghatkopar nor to ATS office on 28 and 29 of September 2006.

The false *pancha*-witness in the *panchnama* supposedly prepared during my arrest is Mangesh Sukharam More. This very person has acted as *panch*-witness for the ATS in Aurangabad arms haul case and some Naxal cases. I have submitted the related documents to the court which prove that the ATS has used their regular witnesses and forged a bogus *panchanamas*. Then they threatened me and forced me to sign on the forged document against my will.

On 29 September 2006, the ATS did not take me to my home, nor did they make a *panchnama*. On 30 September 2006, a *hawaldar* came to me in my lockup and asked me to sign on some papers. I asked him to let me read the papers, only then I would sign them. He said in a threatening tone to sign immediately, or else I would get into serious trouble. I was intimidated and scared by his threat, and I signed the papers. After I got my chargesheet I came to know that it was the bogus *panchnama* on which this *hawaldar* had forced me to sign, which said that I was arrested from Ghatkopar (East).

On 30 September 2006, Inspector Bagwe came to me with some papers. He asked me my mobile number and I told him my number. He then took out the CDR of my mobile number and started asking me about each and every number in detail. I told him that most of the numbers in my call log were of the ATS officers, because they used to call me repeatedly for enquiry. After going through all the numbers, he asked me on what number did I use to get calls from my friends? I told him, I did not have many friends, nor did they call me on my mobile number. I said even if they

called me, they do so on my school's landline. After this enquiry, he left.

No permission to meet my advocate

During my entire police custody from 26 to 29 September 2006, the ATS did not allow me to meet my advocate, nor my family. Throughout the police custody I was subjected to third-degree torture. They would bring some unknown men into my lockup, show me to them and tell them to memorise my face as they would have to recognise me in the future. They would take me to the hospital as mere formality. The doctors would never lift the mask off my face and perform my medical checkup. The ATS would themselves give the doctor a fake history and obtain a report of their convenience from the doctor. The doctors never took the clothes off my body to take a look at the multiple marks of torture on it.

On 2 or 3 October 2006, I saw a person at the bathroom of Bhoiwada lockup. He was shirtless and I saw multiple wounds and bruises on his body. I asked him how come these marks appeared on his body. He told me all of that was the result of ATS torture. He told me that he had been in the ATS custody since last two and a half months and various officers interrogated and tortured him. A *hawaldar* came there in a while and I went to my cell. After being sent to jail, I came to know that it was Dr. Tanveer.

On 2 October 2006, I was taken to Kalachowki from Bhoiwada. Khanvilkar, Sachin Kadam, Tajne, Varpe, Dinesh Kadam, Shailesh Gaikwad and others from the staff were there. They all tortured me mercilessly. Dhamankar took out his mobile and clicked images of a person by my side. In a taunting tone Dhamankar said: "I am a good photographer." Later, I came to know that the person photographed was an accused named Asif Khan who was also falsely implicated in this case like me.

On 9 October 2006, I was produced in the MCOCA special court for the first time. Dhamankar took me aside and threatened me to keep quiet before the judge. He forcibly took my signatures on some papers. I later came to know that document said I had no objection to undergoing narco or any scientific test. But the reality was that the police did not ever ask me if I was ready for narco or any other test. On 13 October 2006, I was again produced in the

MCOCA special court. As usual they threatened me before entering the court room and said that they would torture me further if I spoke in front of the judge. The threat did work on me as I fell silent and did not speak to the judge. My custody was extended till 26 October 2006.

Narco test

On 13 October a *hawaldar* came to my lockup and told me that I would have to avoid consuming any food, nor should I take water for 12 hours. I asked him the reason for such an instruction. He told me that they would be subjecting me to the narco test the next day. The next day, early in the morning, another accused in this case Naveed Khan and I were taken to Bengaluru by air. I was taken to a hospital where Dr. Malini and Naval Bajaj were already present and were discussing the case. I don't know why Dr. Malini did not perform the test on me that day. Then I was taken to a high-tech hospital far away on Mysore Road. My narco was not performed even at this hospital. I was then brought back and put into the central crime branch lockup. My co-accused Sajid and Muhammad Ali were already there in the lockup. I saw another person inside. I later came to know that it was Noorul Huda, who was falsely implicated in Malegaon blasts case.

On 21 October 2006, I was subjected to narco test. They played with my life as if I was a toy. Dr. Malini, who performed the test, was hand in glove with the ATS. She would receive a heavy amount from the ATS and in return she would make the accused utter the words of the ATS's choice. She would tamper with the video recording of narco test and make it look like the accused had confessed to have done the blast. She submitted fake certificate to attain a high position at the hospital. She was later suspended from the Forensic Science Lab (FSL).

On 17 October 2006, when I was being taken to the hospital for the polygraph test, I saw officers Sachin Kadam, Dinesh Ahir and Khanvilkar involved in a verbal spat with each other. They were fighting over the Antop Hill encounter, rebuking each other that the encounter was a fake one. Then they took me to Mumbai the same day.

Eye-witness to signs of torture

I was then locked up in Bhoiwada. From 18 to 26 October 2006, I was everyday taken to the first floor of the Bhoiwada station and was tortured by various officers. ACP Shenghal was the most prominent of them. On 20 October 2006, Sajid and Muhmmad Ali were taken to the first floor of Bhoiwada station. On 23 October 2006, Sajid was brought back to the lockup in the evening. We had this conversation:

Me: "Where had the ATS taken you?
Sajid: "Kalachowki and unit II Chandan Chowki."
Me: "How did these marks appear on your body?"
Sajid: "The ATS tortured me."
Me: "Why?"
Sajid: "They were forcing me to sign on some papers."
Me: "On what papers?"
Sajid: "On their false story."
Me: "Why on earth is this happening with us?"
Sajid: "I do not have even the slightest idea."
Me: "How long will this go on?"
Sajid: "I don't know. What crime are the ATS men punishing us for when they know very well that we are not involved in the blasts?"
Me: "We are being punished for the only crime that we are Muslims. Have patience. Allah is with us!"
Sajid: "No doubt in that."
Me: "How many more days will they take our custody?"
Sajid: "Don't know."

In a while an ATS officer came there and took Sajid with him.

On 22 or 23 of October 2006, the ATS brought a person to the Bhoiwada lockup. He and me were taken to judge Thipsay's court on the very day he was brought. Later I came to know that his name was Muhammad Majid. When Majid was brought to the lockup he was limping and was crying constantly. When I asked him what happened, he told me that he was tortured horribly in Vijay Salaskar's custody. He said that he was innocent and had never been to Mumbai ever before. He said he did not know anything about the case. I advised him to have patience. Later in the night a *hawaldar* came to my neighbouring lockup and started beating a person. I came to know that he was beating the accused

Asif Khan and was forcing him to accept that he had been to Malegaon.

Police admits I am innocent

On 25 October, 2006, they took me to the first floor of the Bhoiwada lockup. After some time, Inspector Khanvilkar and Varpe arrived there. Khanvilkar said, "Wahid, after keeping you under illegal detention for two months and enquiring thoroughly about you, I am convinced that you are innocent and you have nothing to do with this case. That's why I had let you go but I was helpless as I had to arrest you at the orders of senior officers." He folded his hands before me and said, "Forgive me. I promise, I will surely try for your early release." Thereafter, he went away. During this period, they used to take me to the doctor but every time they used to warn me not to say anything in front of the doctor.

I kept silent due to the threats of Police

On 26 October 2006, I was taken to the MCOCA special court. I was made to sit outside the court room. ATS men were with me. Ghagh *hawaldar* came to me and started threatening me not to say a word in the court. He warned saying: "Don't be under the wrong impression that your custody is over. Remember MCOCA has been imposed on you and we can get your custody extended for one more month. So, it is better for you to remain silent before the judge. If you choose to speak, we will implicate your family too in this case and no one will ever be able to question us. As a matter of fact, even the judge is on our side and he won't listen to any of your complaints!" I was intimidated by his threats and thus I remained silent before the judge. Later, when my advocate approached me to take my signatures, I told him that the ATS had forcibly taken my signatures twice on some papers. I was made to wait outside the court room for a while and then I was called in. I went before the judge and told him that I had been forced to sign some documents twice by the ATS. The judge noted my complaint. Due to threats, I did not complain about the torture.

That day the public prosecutor Raja Thakare misled the court saying seven of the accused in this case were already in jail and they posed a threat to the remaining five accused of the case. Quoting

this false reason, he asked the court to send us to the Byculla jail instead of Arthur Road jail. From Byculla jail, we five accused, namely me, Sajid, Majid, Naveed and Muhammad Ali were again sent to Arthur Road jail because there was no high-security zone there. We were locked after being segregated from the other seven co-accused. During our imprisonment the ATS would keep visiting us and would force us to turn approver (government witness).

On 28 October 2006, the ATS visited jail and called Naveed Khan, Muhammad Ali and Muhammad Majid to the superintendent's office and made them tempting offers to become approvers. The aforementioned accused told me about it. Naveed Khan informed me that ATS officers Raghuvanshi, Vijay Salaskar, Sachin Kadam, Dinesh Kadam, Khanvilkar and others visited them in the superintendent's office and offered rewards to become approvers. They also threatened the accused about the consequences of refusing the offer. Naveed further said that the ATS promised him Rs 25 lakh, a flat, arrangements for his marriage and his settlement in a foreign location with security arrangements. When Naveed, Majid and Ali refused to become approvers in this case the ATS threatened to implicate their families in the case. Later, all of us were shifted from general barracks to the *anda* cell where already seven other co-accused were locked up.

On 8 November 2006, I was brought out of the *anda* cell for some time and taken to the main gate. I was not made to go through any identification parade, nor did any witness appear and recognise me. I was taken back to my cell in a while.

Complaint against the ATS in MCOCA special court

On 9 November 2006, we were taken to the MCOCA special court again. All 13 accused were produced there that day. All of us complained before the judge about false implication and said that we were innocent. I mustered courage and narrated to the judge how I was made to go through hell, the false implication, the torture, the threats to me and my family and endless harassment. Similarly, all other accused complained in detail about the torture, threats and harassment. The judge listened to our complaints and took them on record. He further instructed us to submit our complaints in writing through our advocate. We wrote our

complaints with the help of our advocate and submitted them to the court.

ATS *hawaldars* who falsely implicated me in this case are: Joshi, Ghagh, Jadhav, Amit, Tekole, Andeep, Avinash, Sanjay, Bagwe, Sangram and others whose names I am unable to recall anymore, but I can recognise them if I see them. The officers who falsely implicated me are: the then police commissioner AN Roy, the ATS chief Raghuvanshi, DCP Naval Bajaj, Jai Jeet Singh, additional commissioner SK Jaiswal, ACP Dhawle, ACP SL Patil, ACP Tawde, ACP Kishan Shenghal, Khandekar, Bawdhankar, senior police inspector Tajne, inspector Arun Khanvilkar, Nivrutti Kolhatkar, Sachin Kadam, Dinesh Kadam, Sukhlal Varpe, Dhamankar, Shailesh Gaikwad, Dinesh Gaikwad, Padmakar Dewre, BB Rathod, Raja Ram Mandge, RR Joshi, Iqbal Hasan Shaikh, Sanjeev Tonpi, Nitin Alaknure, Hemant Bawdhankar and other officers who's names I am unable to recall, but I will recognise them if I see them again. All these officers detained me illegally, subjected me to physical and mental torture and implicated me wrongly in the 7/11 blasts case. I request this court to take strong action against all these officers.

Fake witness Ajmeri

All witnesses they produced to support their false story are fake. To establish the false story of bomb-making at Muhammad Ali's Govandi house, they brought forth two fake witnesses, Amar Khan and Ajmeri Muhammad Ali Shaikh *alias* Ajju. Ajmeri has previously worked for the ATS as a witness in the Gateway of India 2003 blast case. There he had deposed before the court that he had married a girl, Muslim by birth, and his mother-in-law and father-in-law were also Muslims by birth staying at Park Site Vikhroli. I used RTI and procured a gazette copy which said a woman named Manisha Raghunath Patil changed her name to Amreen Ajmeri Shaikh and got married to Ajmeri. I have submitted the gazette copy to the court. This document proves that Ajmeri is giving false statement before the court despite taking oath to tell the truth. This is why the ATS did not bother to summon Ajmeri for witness, or else it would have busted his lies and the lies concocted by ATS.

A letter to higher authorities

As soon as we reached jail, we realised that we had been wrongly implicated in the 7/11 blasts case. All the accused decided to write to higher authorities stating we were innocent. We had been wrongly implicated. We had been threatened that ATS would implicate our family also in the case and that our confessions were recorded against our will, under threats and fear. We further stated: "None amongst us has ever been a member of SIMI or Lashkar. We have never been part of any conspiracy, nor have we ever indulged in bomb-making. We have not planted any bomb in any train. The ATS has falsely implicated us. We were kept under illegal detention and we do not know anything about the 7/11 blasts case. We appeal to the higher officials to release us at the earliest, order for fresh investigation of the case and punish the officers who falsely implicated us." We handed over this letter to the jail superintendent and requested him to forward it to the President of India. We also asked them to send a copy to the Prime Minister of India, the home minister, the chief minister of Maharashtra, the governor of Maharashtra and so on. Jailor Govind Patil took the letter from us and wrote in the jail record that the accused intended to send such and such a letter to the higher authorities. But, to this day, superintendent Swathi Sathe has not forwarded the letter, nor did she give us our letter back.

I obtained the jail record through RTI, which clearly mentions that we had handed them a letter to be forwarded to the higher authorities. I have submitted the documents to the court.

Threat to life in jail

During January 2008, I had asked for a copy of jail manual through RTI. An infuriated Swathi Sathe called me to her office on 23 January 2008 and angrily asked me as to why have I asked for the jail manual. She was insisting me to tell her the reason for seeking the manual. I told her that I needed some information and I could not disclose why and what for. I told her that under the RTI Act there was no clause which said that I had to mention the reason for asking a particular RTI query. Irked by my reply she said in a threatening tone: "Trying to be a leader, huh...? I will teach you a lesson." She then threatened to kill me. On 25 January 2008, I was produced before the MCOCA special court. I wrote a

complaint in detail and submitted it to the court demanding action against Swathi Sathe. My application is pending in the court even to this day. As soon as I reached jail from the court, the infuriated superintendent and the staff circled me with canes in their hands. They were about to batten me. Swathi Sathe asked me as to why I complained against her in the court? She again threatened to kill me. I wanted to immediately complain regarding the threat to the court, but the date for my next appearance in the court was far away. On the other hand, had I tried to send a written complaint through the jail, Sathe would never have forwarded it. So, I had no other choice but to wait for the next date. When the date arrived, I did complain against her.

ATS confesses to implicating innocents

On 3 November 2006, some ATS officers sent a letter to the President of India. I read about the letter in the *Urdu Times* and also saw a report regarding it on Zee 24. In the letter ATS officers had admitted that all those arrested and implicated in the 7/11 case so far were innocent. They had no connection with the case whatsoever. They admitted they had arrested us under pressure from higher officers namely: police commissioner AN Roy and ATS chief Raghuvanshi. They said they were pressurised to arrest us and video record our fake confessions on camera. The letter mentioned in particular that Abdul Wahid Shaikh was totally innocent. The letter further said that Abdul Wahid was a teacher and that he was illegally detained for 25 days at Kalachowki. They regretted that they had to wrongly implicate innocents and do such a heinous crime. They assured: "If the President of India summons us, we will definitely bear witness in his esteemed presence." I have submitted a copy of the letter to the court. (A copy of the letter published in the *Urdu Times* is reproduced ahead.)

Mysterious bikers follow us

During December 2007, when we were taken to the court from Arthur Road jail, a bike followed us all the way to the court. We saw two men on the bike. We noted the registration number of the bike from the plate. The bike followed us into the court building. Usually, vehicles of commoners are not allowed into the court premises. I asked the two men on the bike to come with us to the

court room on the first floor. On hearing these words, they ran away from the scene. On the way, when they were following us, the pillion rider was pointing us to the person riding the bike and telling him something. When we reached the court, we complained about the bike following us and gave the bike number. This complaint is still pending in the court. The bike that followed had the number MH-02-AS4500.

Fall ill due to ATS torture

After being sent to jail from police custody, I often suffered from headache and pain in my eyes, because during torture the police had inflicted severe blows on my head. The jail doctor sent me to JJ hospital for treatment. I was told at the hospital that I had developed glaucoma and that I would lose my eyesight in some years. I am sure I developed this condition due to torture. In a few days I saw that my co-accused Kamal Ansari too developed the same medical problem because the ATS had also assaulted him frequently on his head. Kamal is wasting in Nagpur jail, sentenced to death. The Nagpur jail does not have any facility to treat his condition.[a]

On 28 June 2008, Swathi Sathe raised false alarm and got me beaten black and blue because I had submitted various RTI queries to the jail authorities and had complained against her to the court. I was beaten terribly and sent to Kolhapur jail. Sathe did not want me to defend myself in the court. When I was transferred to another jail, there were multiple marks of assault on my body. Despite that I was not given any medical assistance. On reaching Kolhapur jail, I complained about the assault immediately to the MCOCA special court and the high court. The magistrate of MCOCA special court ordered an enquiry. The magistrate found the 24 members of the jail staff guilty and a criminal case was registered against them. Twenty days after the incident I was subjected to medical checkup at the Kolhapur civil hospital. I had suffered a fracture on my hand and there were various marks of torture on my body. I procured all the medical papers from the hospital and have submitted them to the court.

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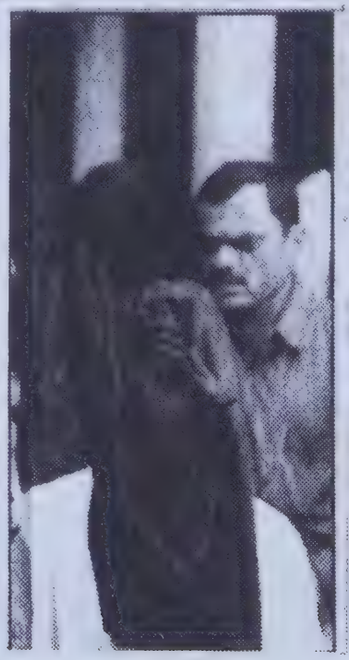
[a] Kamal Ansari died of COVID-19 in the Government Medical College and Hospital in Nagpur on 19 April 2021.

اے ٹی ایس نے بے قصوروں کو گرفتار کیا ہے

اے ٹی ایس کے سینئر افسران اپنے جونیئر افسران پر دباؤ ڈال کر بے قصوروں کو گرفتار اور ان کے خلاف شواہد گڑھنے کا کام کرواتے ہیں، ونود بھٹ پر بھی دباؤ تھا اسی لئے انہوں نے خودکشی کر لی صدر جمہوریہ عبدالکلام سے تحقیقات کا مطالبہ

گمنام پولس افسر کا
"خط بم دھماکہ"

ممبئی، ۴ نومبر (اسٹاف رپورٹر) اے ٹی ایس نے ۱۱ر جولائی کے لوکل ٹرین بم دھماکوں میں بے قصوروں کو گرفتار کر کے انہیں ملزم بنا دینے سنسنی خیز انکشاف اے ٹی ایس کے ہی ایک گمنام افسر نے خط کے ذریعہ کیا ہے۔ خط نائب وزیر اعلیٰ آر آر پاٹل، ڈائرکٹر جنرل آف پولس ڈاکٹر پسریچا، ریاستی گورنر شری ایس ایم کرشنا وزیر اعظم ڈاکٹر منموہن سنگھ اور صدر جمہوریہ ڈاکٹر اے پی جے عبدالکلام کے نام ارسال کیا گیا ہے۔ خط میں صاف طور سے یہ تحریر ہے کہ پولس نے انتہائی غلط طریقے سے بم دھماکوں میں بے قصور لوگوں کو گرفتار کیا ہے مزید یہ کہ سینئر پولس افسران نے اے ٹی ایس کے جونیئر افسران پر دباؤ ڈال کر بے قصور لوگوں کو گرفتار کرنے کیلئے بوگس شواہد بنانے پر مجبور کیا۔ خط میں یہ بھی دعویٰ کیا گیا ہے کہ اے ٹی ایس کے اے سی پی ونود بھٹ کی موت کوئی حادثہ نہیں بلکہ خودکشی تھی، انہوں نے سینئر افسران کے دباؤ میں آ کر بے قصور لوگوں کو بم دھماکوں کا ملزم بنانے سے انکار کر دیا تھا جس کی پاداش میں اعلیٰ افسران نے انہیں ذہنی اذیت دی تھی اور اسی اذیت سے پریشان ہو کر انہوں نے خودکشی کر لی جس کی خبر سبھی اخباروں میں شائع ہوئی تھی۔ واضح رہے کہ اے سی پی ونود بھٹ نے اپنا شناختی کارڈ گھڑی وغیرہ اپنے ڈرائیور کو سونپ دیئے تھے اور تلک برج پر گاڑی چھوڑ دی تھی اور ریلوے ٹریک پر جا کر ٹرین کے نیچے آ کر خودکشی کر لی تھی۔ خط میں یہ بھی تحریر ہے کہ خودکشی سے قبل اے سی پی بھٹ نے ناگپاڑہ میں واقع اے ٹی ایس کی آفس میں منعقدہ میٹنگ میں شرکت کی تھی۔ خط لکھنے والے نے یہ بھی لکھا ہے کہ ان پر بھی بم دھماکوں کی تحقیقات اور فوری طور سے کچھ سلجھانے کیلئے دباؤ ڈالا جا رہا تھا ممکن ہے کہ بھٹ اے ٹی ایس کے سینئر پولس افسران کی ان حرکتوں کو افشاں کرنا چاہ رہے تھے لیکن وہ ہمت نہ کر سکے اور خود کو موت کے حوالے کر دیا۔ خط میں یہ مطالبہ کیا گیا ہے کہ اے ٹی ایس میں کام کرنے والے سب انسپکٹر، اسسٹنٹ انسپکٹرز، پولس انسپکٹر اور اسسٹنٹ پولس کمشنر کی تحقیقات ہو، ان سے آزادانہ پوچھ تاچھ کی جائے تاکہ حقائق سامنے آئیں۔ خط میں صدر جمہوریہ سے مطالبہ کیا گیا ہے کہ وہ اس سارے معاملے کی تحقیقات کروائیں۔ بتایا جاتا ہے کہ نائب وزیر اعلیٰ آر آر پاٹل کو یہ خط ملا ہے اس کے باوجود انہوں نے انکار کرتے ہوئے کہا کہ انہیں اس طرح کا کوئی خط نہیں ملا ہے بلکہ آر آر پاٹل نے یہ کہا کہ اس طرح کا خط دہشت گردوں کی طرف سے لکھا جاتا ہے تاکہ وہ تحقیقاتی ایجنسیوں کو بدنام کر کے ان کے کام میں رخنہ ڈالیں۔ وزیر داخلہ نے عوام سے یہ بھی اپیل کی ہے کہ وہ ایسے کسی بھی خط پر توجہ نہ دیں یہ انتہائی حساس معاملہ ہے۔ پولس صحیح سمت میں بہتر کام کر رہی ہے۔ واضح رہے کہ گھاٹکوپر بم دھماکوں کے الزام میں گرفتار کئے گئے بے قصور خواجہ یونس کی پولس حراست میں موت کے بعد بھی کرائم برانچ کے ایک گمنام افسر نے ہائی کورٹ کے جج کو گمنام خط لکھ کر بتایا تھا کہ کرائم برانچ کے افسران نے خواجہ یونس کو بری طرح مارا تھا جس کی وجہ سے اس کی موت ہو گئی تھی اور پھر اس کی لاش کو ٹھکانے لگا دیا گیا تھا اس گمنام خط کے بعد ہی خواجہ یونس معاملے کی تحقیقات اسسٹنٹ سی آئی ڈی کو دی گئی تھی اور اسسٹنٹ سی آئی ڈی نے اس کی تصدیق کر دی کہ خواجہ یونس کی پولس حراست میں ہی موت ہوئی تھی۔ اس کے بعد ۱۴ پولس افسران پر کارروائی بھی کی گئی جبکہ پانچ پولس والے معطل بھی کئے جا چکے ہیں۔ بہت سے لوگوں کا خیال ہے کہ لوکل ٹرین بم دھماکوں کے سلسلے میں بھی اگر سی آئی ڈی یا سی بی آئی کے ذریعہ جانچ کرائی گئی تو یقیناً وہ گمنام خط صحیح ثابت ہوگا اور اے ٹی ایس کے ذریعہ سے قصوروں کی گرفتاری کا بھی حل جائے گی۔



جلد نمبر: ۲۷ ☆ شمارہ نمبر ۳۰۵ ☆ اتوار ۵ رنومبر ۲۰۰۶ء ۱۳ رشوال المکرم ۱۴۲۷ھ ☆ قیمت: ۵ روپے صفحات ۱۶

ए. टी. एस. अफ़सर के ख़त बनाम राष्ट्रपती के बारे में उर्दू टाइम्ज़ बम्बई (5 नवमबर 2006) में छपने वाली ख़बर

I sent RTI queries to many officials seeking information, but the ATS wrote them and asked not to give me any information. I have submitted all these papers to the court which prove that the ATS does not want us to defend ourselves, nor do they want the truth to come to knowledge of the judiciary. Despite all hindrances created by the ATS, I succeeded in procuring many important documents through the RTI which I have submitted to the court.

Arun Sambhaji Khanvilkar, who was an ATS inspector then, and was actively involved in implicating and torturing innocent youth in 7/11 blasts case, has been promoted and made the senior police inspector of the Kalachowki's ATS unit. He was also at the forefront in implicating innocent youth in Malegaon 2006 blasts case. In 2010 he was caught in a corruption case and was suspended from his post. Later, the court found him guilty and sentenced him to imprisonment for two years. I collected the chargesheet of his case through RTI, the suspension order, the final verdict and submitted it to the court. This was the same officer who had detained me illegally for two long months.

RTIs and letters

With the help of RTI, I obtained the station diary (SDE) of the Park Site police station of 2001. It was mentioned in the diary that Irfan had suffered a heart attack during police custody and that the Minister Arif Naseem Khan had been to see us in the lockup. I had written a letter to the late ATS chief Hemant Karkare that the ATS had wrongly implicated us in the 7/11 blasts case. I had appealed to him not to get any innocent convicted in the case and save his life from being destroyed. Similarly, I had written a letter to Rakesh Maria when he was made ATS chief, and made the same appeal. I have submitted copies of both the letters to the court.

I had written a letter to the news channel Zee 24, asking them for a CD of the news they had telecast regarding the letter written by the ATS officers to the President of India. But I did not get any response from the channel.

Contradiction between ATS story and Central government

On 25 February 2010, external affairs secretary Nirupama Roy had handed over a dossier to her Pakistani counterpart Salman Basheer. This dossier said that the 7/11 blasts case was a handiwork of

Riyaz Bhatkal and his team who were presently hiding in Pakistan. The Government of India had asked the Government of Pakistan through the dossier to hand over the aforementioned terrorists to India. I had written to the Pakistani high commissioner in India requesting him to obtain a copy of the dossier and send it to me, because the document was a major evidence in establishing our innocence. The Government of India refused to hand me over the document because it was deemed a "classified document". The Pakistani High Commissioner did not give any reply to my letter. I have submitted all the letters written to the court.

Incomplete CDR

After many lame excuses and delay tactics by mobile companies, a high court order forced them to submit CDRs of all accused. But my CDR produced in the court was incomplete, and was tampered with. Had they submitted the complete CDR, it would have established that my location during August and September 2006 was at the Kalachowki, because I was illegally detained there. My mobile number had calls from ATS officers Tajne, Khanvilkar, Sachin Kadam, Ghag *etc.* The news of the aforementioned documents had been published in the *Indian Express* and I have submitted a copy of it to the court.

Contradiction between the ATS story and crime branch

During 2008, the crime branch Mumbai arrested many Muslim youth in the name of "Indian Mujahideen" and recorded their confessions. These confessions clearly say that the 7/11 blasts were committed by Sadiq Israr Shaikh and his team. I have submitted the remand application to the court in which it is clearly mentioned that the 7/11 blasts were done by these men. The same thing has been mentioned in the chargesheets of their cases. I have submitted those chargesheets to the court. The crime branch Mumbai has also submitted some copies of emails, which say that the 7/11 blasts were committed by the Indian Mujahideen. I have submitted a copy of those emails. Similarly, the chargesheet submitted by the Delhi Police also confirms that the Indian Mujahideen was involved in 7/11 blasts case. I have submitted this chargesheet also to the court. The FIR registered by the Karnataka Police also

mentions that the Indian Mujahideen was responsible for 7/11 blasts. I have also submitted that FIR copy to the court.

I am innocent! I have no role in this case, whatsoever. I have been falsely implicated in this case. I did not know any of the accused in this case, except my relative Sajid. Other than Sajid, I saw all others either during my illegal detention, or police custody, or in jail. I have never been a member of SIMI or Lashkar. The police had registered a false case against me in 2001 and even to this day I have been harassed due to this false case. After the Gateway of India blasts, the police had called me, Amar Khan and others for enquiry. They had subjected me to torture and had let me go later. I had never given a key of my Mumbra flat to Mehmood with an instruction to give it to some Ehtesham. No conspiracy meeting was held at my home in 2006. It is not true that Ehtesham, Majid and some Pakistanis had stayed at my flat on 11 July 2006. The ATS tortured Mehmood and gave him a statement, pressurised him to memorise it and repeat the statement later before the magistrate. Mehmood was under tremendous pressure. He did as the ATS said because two of his family members were already in police custody.

Cross-questioning: the police already had my number

It is not true that till 2006, nobody was able to contact me through any landline or mobile. The police always had my school number (23097102). They used to keep troubling my brothers with repeated calls, asking about me. According to my information, other than 7/11 case, I do not know that Sajid has any other case registered against him. My wife came to know about my SIMI case only after marriage (back then there was only one case registered against this author, the SIMI case). I was not surprised to see Sajid at the police station. The public prosecutor tried to use this to his advantage and argued that since Abdul Wahid was not surprised on seeing Sajid at the station, it meant he too was complicit in the crime. Basing his arguments on flimsy grounds, he demanded that I too be convicted in this case. However, it was nothing, but mere assumption of an unscrupulous mind. It is not true that we were SIMI members and that was why we were not surprised to see each other at the station.

After seeing Amar Khan at the Park Site police station I was not surprised, nor did I ask him why he was there. The question would be irrelevant, because we were almost always called and questioned together. I did not contact any of my co-accused and plan about taking action, or complaining against the torture and harassment by the police. Taking action against the police is like an impossible dream. Moreover, the ATS used to keep threatening me all the time and warning me of dire consequences if I went ahead and complained.

I am certain that all the accused in this case are innocent. I believe that they too have been falsely implicated like me. I have submitted many documents and RTI query replies to the court in my defence. Sajid wrote down the statement he intended to submit in the court. I too did the same. But I did not ever take a look at, or read, the statement written by Sajid. I cannot say that all the record undertaken by this court is true and correct. I have faith in this court and in the judiciary. I have full confidence in the documents submitted and statements made by my co-accused.

It was only after I got my chargesheet that I came to know exactly what charges and allegations had been made against me. During my police custody advocate Solkar was representing me but the ATS never let me meet him, or him to meet me. It is not true that I have not read all documents of this case and that is why I am making wrong statements under a wrong impression. It is true that the ATS did not accuse me that I was involved in bomb-making or that I personally planted the bombs or that the explosives were collected on my orders. Mehmood is my relative. I am upset with him that he gave a false statement against us under pressure. On 14 August 2006, after my torture at Vijay Salaskar's office I did not get myself a medical checkup by any doctor because Salaskar's office had threatened me not to tell anyone about the torture. The head mistress of my school did not give a thought about complaining against me being harassed and tortured because it was not easy to complain against the police.

It is not true that I used to be taken alone into the office for enquiry and there would be no other accused at that time. I was locked up in Bhoiwada and was interrogated by ACP Shenghal there. When the accused were taken to the torture room for interrogation, and if the door was not closed, one could easily see what was happening inside. At Kalachowki, torture room is

situated between ACP Dhawle's office and the lockup. It is not true that the police always worked according to the law and did not ever go against it. It is not true that I was not detained illegally and that no evidence was forged against me. It is not true that any of my co-accused or I was never tortured. It is not true that I am making a false allegation of torture against the police. It is not true that I participated in 7/11 conspiracy by giving shelter to the wanted accused to stay at my flat. It is not true that I have no other evidence against the police to prove my allegations except my words. It is not true that the allegations that I have made against the police and ATS are according to the Al-Qaida Manual.

Abdul Wahid's statement and analysis

According to the ATS: "On 11 July 2006, the day of blast, Abdul Wahid, along with his family, was at his Ghatkopar flat and his Mumbra flat was unoccupied and available. Ehtesham and Majid went to Mehmood, collected keys to the flat from him and then hid some Pakistanis in the flat." All of this is a blatant lie. The public prosecutor does not have even a single evidence to prove their allegation. Contrary to the ATS claim, on the day of blast and on the following days, the accused was very much at his home and was living his normal routine life. Usually, it is seen that a criminal does not stay at his home after committing a crime. The biggest evidence of his innocence is that not only did he not run away, he in fact, reported to police stations whenever summoned and proved that he was a law-abiding, co-operative citizen.

On 17 August 2006, when I was called to the Ghatkopar crime branch unit, my friend Jafar Suraiyya was also with me as he too was called for the enquiry. Since he too was wrongly implicated in the SIMI case in 2000, whenever there was a terrorist attack or blast, he too would be called for enquiry. We were fed up with repeatedly visiting police stations, but we did not complain against the harassment. On 17 July 2006, when we were let go after an enquiry, we went to a nearby hotel to have some tea. We had this conversation there:

Me (author): "Why is the police harassing us repeatedly?

Jafar Suraiyya: "Because we are Muslims!"

Me: "Are there no others who are Muslims?"

Jafar: "Other than being a Muslim, we are also accused of being SIMI members."
Me: "But that is a fake case?"
Jafar: "They implicated us in this case because they think this is the truth."
Me: "So, what do you think now? Will they implicate us in this blast case too?"
Jafar: "No!"
Me: "Why? When they can implicate us wrongly in the SIMI case, why not in blasts case?"
Jafar: "They are looking for the actual perpetrators."
Me: "If they don't get the real culprits?"
Jafar: "But I still hope that at least the police would not go to such extremes and wrongly implicate anyone in a blast case."
Me: "How can you be so sure?"
Jafar: "Because they know that if they wrongly implicate innocents in the blasts case, the real culprits will still be free and they will again blast bombs and commit acts of terror in the country. I believe the police would not take this risk. (Jafar's assumption turned out wrong because the police wrongly implicated innocent youths in 7/11 blasts and the real culprits went free. Consequently, there were a series of blasts in 2006.)
Me: "God knows who did these bomb blasts."
Jafar: "Wait for a few more days, brother. The dust will settle in a few days and the picture will be clear. We shall soon be freed from this harassment by the police."
Me: "May Allah have mercy on us."

After this conversation, I got the wrong impression that the police would not implicate innocents in the blast case. Little did I know that these monsters in uniform had already implicated many innocents in a terror case. Alas! How I wish these stories of wrong implications had reached us and how I wish we had read them. Alas! The Muslim community had done something to expose these police atrocities on a large scale and brought about awareness in the community. I wish we had not been under the false impression regarding the police.

Where is RB?

On 14 August 2006, when Vijay Salaskar picked me up from my school for enquiry and took me to Byculla, other than enquiry regarding the blast, we had this conversation:
Salaskar: "Where is RB?"
Me: "Who RB?"
Salaskar: "Riyaz Bhatkal."
Me: "I do not know any Riyaz Bhatkal."
Salaskar: "Then who do you know?"
Me: "I know a person named Riyaz only."
Salaskar: "Where does he stay?"
Me: "In Kurla."
Salaskar: "Where do you meet him."
Me: "I met him at the Masjid, outside Kurla station."
Salaskar: "When did you meet him the last time?"
Me: "In 2001."
Salaskar: "What was he doing the last time you saw him?"
Me: "He was about to join a political party."
Salaskar: "Which party?"
Me: "Samajwadi Party."
Salaskar: "Where does he stay?"
Me: "I do not know. I used to see him at the masjid only."
Salaskar: "What does he look like?"
Me: "He looks short, fat, dark in colour, flat nosed with a black mole on his face."
Salaskar: "But RB looks quite fair and handsome."
Me: "The Riyaz I know looks the way I told he looks."
Salaskar: "Okay. Give me your number."
Me: "Will I have to come again?"
Salaskar: "As such there is no need for it now. But if we find necessary, we will inform you. We won't trouble you unnecessarily."
Me: "Okay. Thank you!"
Salaskar: "You may leave now."

In 2008, I saw Riyaz Bhatkal's photo in a newspaper and it was then that I realised as to which "fair and handsome" Riyaz was Salaskar looking for. The question is: Did Salaskar know who had actually committed the blasts? Why was Salaskar unable to catch RB? Why did he arrest innocent youth and implicate them in 7/11

blasts? Why did he frequently visit the Arthur Road jail, and why did he pressurise and tempt Muhammad Ali to become an approver?

The curse of co-operating with the ATS

When inspector Tajne asked me to submit my passport to him, I went home and informed my brother about it. My brother asked me to make a photocopy of it and keep it. Who knew they could enter wrong information into my passport and claim that I had been to Pakistan? My passport was unused, meaning I had not travelled anywhere out of the country. I told myself that the ATS would not go to such an extent against an innocent like me. So, I did not get any photocopy of the passport. As a law-abiding citizen, I submitted my passport to Tajne and to this day, the ATS has not returned it to me. Long before my chargesheet was submitted, I had complained to the court regarding my passport being illegally confiscated, and that I was being threatened by the ATS that they would tamper with the records of my passport and make it look implicating. Maybe, it was due to this complaint that the ATS did not attempt to enter any wrong information into my passport. The ATS was quite satisfied after going through my passport that I had never been out of country, especially to Pakistan, to undergo arms training. Today, I regret that I must have paid heed to my brother's word of caution. Had I kept a photocopy of my passport it would have served me in defending myself.

I sent an RTI query and sought information regarding my passport. I have submitted the query reply and the documents to the court. I did this to prove that I was issued a passport in my name and nowadays it was in the illegal possession of ATS. I distinctly remember Tajne's reply on my asking as to why was the ATS was asking me for my passport and the agreement papers of my flat?" He had told me: "You are helping the ATS by submitting the documents." When I submitted my passport and the papers of agreement of my flat, they took the latter document and attached it with my chargesheet to claim that the Pakistani terrorists had stayed in my flat. So, I learnt a big lesson the hard way that, helping the ATS meant putting yourself in danger and helping falsehood win."

Beware of narco!

I was brought back to Mumbai after narco test by air. I got some breakfast in the plane. I took some packets of butter given with the breakfast and kept them in my pocket. On way back to Bhoiwada, Khanvilkar and Sachin Kadam were talking amongst themselves. Khanvilkar said: "We are done with everyone's narco, except one." He continued: "Tomorrow we'll take Asif Khan for narco!" Sachin Kadam said: "What is the hurry?" Khanvilkar said: "His custody is ending and it is important we get him through the narco before that!" As soon as I reached my lockup, I saw a bearded man. I understood that it must be Asif Khan. It was 12 am in the midnight and I could not have woken him up by calling him out loud. My lockup was adjacent to his. The two rooms were separated by a wall. There was a window made through the wall which was located quite high. I took out the packet of butter from my pocket and threw it through the window. Luckily, it fell on the accused sleeping. He got a hint that someone is trying to have a conversation with him. I went to the door of my lockup and whispered to him to come to the door and sit down. He did as I said. We had this conversation:

Me: "Are you Asif Khan?"

Asif Khan: "Yes."

Me: "Listen to me carefully."

Asif: "Did you just throw something on me to wake me up?"

Me: "Yes."

Asif: "What's the matter?"

Me: "The matter is very important and this is the only right time. I have been brought back today from Bengaluru after being subjected to narco-test. Tomorrow you will be taken to Bengaluru for the same test. I overheard the ATS officers discussing that they will have to take Asif Khan for the narco-test tomorrow."

Asif: "Yes. It seems so because they have stopped giving me any food or water since evening!"

Me: "When you will be subjected to the test, the doctor performing the test will deceive you and implicate you!"

Asif: "How?"

Me: "The doctor supposed to perform your narco test, Dr. Malini, is in cahoots with the ATS. She makes you utter the words of

their choosing to suit the ATS story. She also tampers with the video recording of your test."

Asif: "What will I do now?"

Me: "You will have to keep repeating that you are innocent no matter what she asks you. Just keep repeating one answer I am innocent."

Asif: "But I won't be able to understand anything in a state of unconsciousness."

Me: "No! No! Nobody falls unconscious during the narco. They just feel a little dizzy."

Asif: "Okay. I got it!"

Me: "Even if they ask your father's name or ask you how many kids you have, you just have to repeat the same answer: I am innocent. And that is the truth of the matter."

Asif: "Very good. *Jazaak Allah!*[a]

Me: "Keep making *du'a*. Seems like someone is coming. Go back to your place."

Asif: "Okay. *Jazaak Allah!*

The next day early in the morning, Asif Khan was taken out for the narco and since he was warned well before, Dr. Malini was unable to extract any wrong statement from him.

Allah plans the best

When seven of the accused were taken to court on the last day of their police custody, all of them had complained to the court that they were innocent, that they had been wrongly implicated, that they had been tortured and forced to sign on unknown papers. Now all these accused were sent to the Arthur Road jail in judicial custody. After a few days, five remaining accused including me, were produced in the court. All these accused did not complain against the police. The police thought if these five men were also sent to the Arthur Road jail, then they too may start thinking against them and quite possibly they too may complain against them in the court on their next date. So, they thought it was better to keep these five accused segregated from the remaining seven. So, the public prosecutor Raja Thakare hatched a conspiracy and lied to the court that we, the five accused may face threats to our lives

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[a] Islamic way of saying Thank You, meaning May Allah reward you.

at Arthur Road jail, so we must be sent to the Byculla jail instead. The court readily granted the request and sent us to Byculla jail. This is just an example of how the courts readily grant the ATS whatever they ask for. The ATS was planning one thing but, Allah was planning another thing for us. Allah is the best of planners. When the Byculla jail superintendent realised that we were accused in blast case, he said they did not have high-security cells at their prison and he could not keep the likes of us with general cells. Then he personally appealed to the judge to send us back to the Arthur Road jail. The very next day we were all sent there. For the first time, all the accused in the 7/11 blasts case met each other. All of us realised that we had been wrongly implicated in a major case. So, all of us decided that we would not keep quiet on the next date. Thus, all of us complained against the ATS and police on our next date, all of which was taken on record by the court.

Innocent Shabbir Maseehullah

On the first day of my police custody in Bhoiwada lockup, I saw a short, bearded person. I had seen the person for the first time in my life. After exchanging *salaams* (greetings), we had this conversation:

Me: "Who might you be?"

Shabbir: "I am Shabbir Maseehullah. I have been detained by the police for many days. (Shabbir Masihullah expired in an accident in February 2015. The ATS implicated me wrongly in 2006 Malegaon blasts case.)

Me: "Where are you from?"

Shabbir: "I am from Malegaon."

Me: "What case have you been implicated in?"

Shabbir: "I am innocent. I have not committed any crime. I don't even know what case they have registered against me?"

Me: "May Allah have mercy on you."

Shabbir: "What case have they have charged on you?"

Me: "I am not sure. The ATS has detained me illegally since last two months Today they have arrested me legally!"

Shabbir: "Don't worry! Allah is with us."

Me: "We are innocent! Allah will surely get us out of here!"

Shabbir: "Yes indeed! Keep praying to Allah."

Then we were taken away for torture one after the other and we kept praying to Allah for His help.

Pressurised to take back complaints

When superintendent Swathi Sathe threatened to kill me for complaining against her in the court, I went ahead and complained again against her to the court. I submitted a written complaint. After complaining when I was taken back to her jail, she could have beaten me black and blue. But she did not. Why? Although she was infuriated that day and her staff was already armed with canes, ready to charge. On her one word the jail staff would have inflicted *naal-bandi*[a] on me. It was because I had already complained against her to the court and if she had even so much as slapped me, the allegations in the complaint would have been established."

When Sathe saw that her threats and scare tactics had had no effect on me, she tried a new ploy. Two days after the above incident, she gathered all those inmates at Athur Road jail who were accused by ATS (in bomb blast cases) in the prison ground and in a nice tone and tenor started threatening us: "One of your inmates (author) has filed an RTI. When I asked him to take back the RTI application he went ahead and complained against me to the court. Ask him to take back his complaint. Or else no officer in the jail will ever listen to anything you ask them for. All of you will suffer because of one fellow..." May Allah bless Dr. Farogh, one of the accused in Malegaon blasts case, for telling Sathe in fearless words: "If Abdul Wahid has complained against you in the court, then it is indeed a true complaint, because none amongst us lies. Madam, he will not take his complaint back." Meanwhile, I was offering my *Asr* prayers in my barracks. A policemen came to call me. As soon as the superintendent saw me coming towards the jail ground, she left the meeting in the middle and walked away from there. All my co-accused later informed me that Sathe was asking them to make me take back the complaint against her. However,

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[a] *Naal-bandi* is a slang used by police officers. It is a method of torture, wherein the victim is hanged upside down with both his feet tied and his soles battered with canes. The method is similar to a horse being tied and horsehoes nailed into its hooves. *Naal-bandi* in Hindi means "horse-shoeing". Thus, the name.

her plan was foiled. One of them advised me to be steadfast and not to take the complaint back at any cost.

It is usual for the Police to torture Muslims

During the final argument of this case, the public prosecutor said in the court that I (the author) was not at all surprised to see Sajid at crime branch Ghatkopar. This proves he was a part of the conspiracy and he should be convicted in this case. Everyone is aware of the fact that after every blast or terror activity Muslims are called in large numbers to the police stations and their statements are recorded. This has become a common scenario in our country. So, why would it seem strange if a person is not surprised to see his relative or friend in a police station after a blast? We very well remember how the police had gathered hundreds of Muslims like herds of sheep and had led them to police stations. They had made them sit there and had interrogated them for hours. Many newspapers had put on their front pages images of such mass detentions and interrogation of Muslims. Abu Asim Azmi from Samajwadi Party had raised serious objections to such mass detentions. We have never seen the police call non-Muslims or members of Hindu outfits or detained and interrogated in a similar manner.

ATS hospitality towards *Sanghis* accused in blast case

During October 2006, when we were illegally detained, and one night when we were battling with the freezing floor to snatch some sleep, at about 2 am in the night, we overheard some voices talking. We woke up and saw that two youths being been brought by the ATS to the Kalachowki. One of them looked like he was walking with the help of crutches and the other one was speaking in a loud voice. We later came to know that he was deaf. They were not locked up nor were they handcuffed. In fact, hospitality arrangements were made for them in a separate room. They were given good food to eat. The ATS officers were very nice to them and would talk to them with smiles on their faces. Often, we would hear loud laughter from their room. ATS officer Dhamankar would often go to them, chat with them for some time, come back to me and start interrogating me. One day, I asked Dhamankar as to who these two youth were? At first, he dodged the question. But

after a while he told me that they were accused in Nanded blast case and were brought there for enquiry regarding 7/11 blasts case.

The next day Dhamankar came to me and said: "[Abdul] Wahid! Let me tell you something today. You see those two guys there in that room? I cannot interrogate them. There are other officers who are assigned that task. I saw them having some leisure time, so I went there to talk to them. Do you know what they said to me? Listen:

> We are from the RSS. Our mission is to convert this country into Hindu *Rashtra*. We want to reply to a blast with a blast. They are doing explosions in public places, we will do the same in their mosques. With this purpose in our mind, we four *Sanghis* gathered in one of our *pracharak's*[a] house to make bombs. We had already gathered the necessary raw materials for the blasts. We had also bought fake beard, *kurta*[b], *pajamas* and skull caps to assume the disguise of a Muslim and give an impression that Muslims had committed these bomb blasts. It was Thursday night. We had already prepared four bombs. The next day we were supposed to plant these bombs in masjids and make them explode after the Juma prayer. These bombs were designed to explode with the help of a remote control. We had also prepared remote controls for them. When we were done preparing all the bombs, we were delighted with the thought that tomorrow on the day of Juma we will successfully perform blasts in masjids. We were very excited and decided to celebrate the occasion with a party. We brought some liquor and chicken. We started enjoying chicken and liquor and when we got pretty drunk, one of us said it was an occasion to sing and dance. He said: 'Turn on the music. We will dance...' Drunk as we were already, one of us picked up a remote and tried turning on the tape recorder with it. But unfortunately, he had picked up the remote meant to be used to trigger a bomb to explode. When he pressed the button, our own hand-made bomb exploded in the room. As a result, one of us died on the spot, another lost his leg, and yet another lost his ear and the fourth one ran so hard that

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[a] Pracharaks function as full-time publicists or propagandists for the RSS.

[b] Long shirts, generally wore by Muslims in the Indian subcontinent.

neither did he stop nor look back for several kilometres. One silly mistake on our part ruined our whole plan.

On hearing this Dhamankar rebuked and shamed them saying: "Muslims are so successful in making bombs and exploding them. But you, on the other hand, exploded your own bottoms with your own bombs? Huh!"

Dhamankar narrated this whole conversation to me and broke into laughter. I noticed that the ATS was treating them like princes. None of the ATS officers had so much as even slapped them. And after a few days of interrogation the ATS escorted them back honourably to where they were brought from.

Overcautious: Once bitten twice shy

After being sent to jail, two men came to meet us. Firstly, we refused to meet them as they wanted to question us again regarding 7/11 and they did not have any court order. Then the next day they came with the court order. They said: "Foreign currency, especially Saudi riyals were being sent from out of the country and it was used in the execution of 7/11 conspiracy." They added: "We need to question you regarding the matter." Two to three other co-accused and I said: "We do not know anything regarding the matter and we have been wrongly implicated. Had we actually committed this crime and had we received any money for it, today our financial status would have been better. But today our financial condition is so bad that we are unable to even hire an advocate to defend ourselves. We wrote to the Jamiat Ulama-e-Hind and they assigned an advocate to defend us in the court." They asked us to record their statements. We refused to do so. Then they themselves wrote our statements and asked us to sign on them. We refused to do so. The officer asked us in wonder: "Why are you all so scared of signing the documents when we have written exactly what you have said?" He even gave us the papers to read them and satisfy ourselves. We still refused to sign on any document and kept reiterating that we were innocent. They then left saying: "One who is burnt by hot milk, drinks even cold buttermilk with caution.[a] You have been deceived very badly and now you have become

[a] An idiom in Urdu for being over-cautious. *Doodh ka jala...*

over-cautious, so cautious that you are unable to trust anyone. Fight the case well. You will be released."

Letter to Pasricha

After being sent to jail, when I decided to write down our saga of injustice and had a flashback, I realised again, that we had been deceived badly. We noticed that along with the ATS chief Raghuvanshi, the Mumbai police commissioner AN Roy was also involved in wrongly implicating us. We also noted that amongst all the higher officials DGP of the Maharashtra police department, Pasricha was a Sikh and thought that he might not have been involved. We decided to write a letter to Pasricha and inform him about this dirty game of "wrong implication". Ultimately, I wrote a letter to Pasricha which read:

> I am innocent, me and 12 other innocent youth have been wrongly implicated in this case. Raghuvanshi and AN Roy played this dirty game and have ruined 13 innocent lives... Raghuvanshi was unable to catch the actual perpetrators. So, they caught us and implicate us falsely. I appeal to you to take interest in this case, order reinvestigation in this case and do justice to us...

The letter reached Pasricha, he replied to me that he would personally come to see me in jail, but to this day, he did not turn up. May be he was not willing in the first place. The next day Urdu newspaper *Inquilab* reported about the letter.

Accused no. 9 : Muzzammil Ataur Rehman Shaikh

My name is Muzzammil, aged 29 years. Before my arrest I used to stay with my brother Faisal and my parents. My mother is a house wife and my father has retired from his job at a petrol pump in Saudi Arabia. I completed my bachelors in sciences from Bharatiya Shiksha Parishad in a distance education course in 2005. After that I did many computer courses. Then I worked for one year at Spiders System, Pune. During this period, I used to stay at my

father's sister's home at Fathima Nagar, Pune. Then I took up a job at a Bengaluru company named Data Core Technologies. After resigning from my job at Pune, I visited my home in Mumbai and from there I came to Bengaluru for my job. My duty timings were from 7 am to 2 pm. After my duty hours I would go back to my room and rest.

Where was I on the day of blast

I have never seen nor have ever met the accused in this case except my brother, accused no. 3 Faisal. I saw them only after being wrongly arrested in 7/11 blasts case. On 11 July 2006, the day the blasts occurred, I was in Bengaluru at my office performing my duty. At our office, it is compulsory to sign in the attendance register before reporting to duty and it also has electronic system to register our entry. This record proves that I was in Bengaluru and was performing my duty that day. After my job I went to my room and slept to take some rest. Later my room partner, Farooq, woke me up and informed me that there was a bomb blast in Mumbai. As soon as I heard this news, I called home and enquired about their well-being.

Illegal detention

I continued to work till 22 July 2006, regularly at my office. On 21 July 2006, I was not well. So, I had taken leave from the office. On 22 July 2006, as usual I went to my office. I was in my company canteen and was having my breakfast. I suddenly got a call from my company that two officers from Mumbai crime branch had arrived and were waiting for me. I immediately went there. My team manager was already there. I asked them what the matter was. They told me that I would have to go with them to Mumbai and that they wanted to ask me something privately. I requested my manager to leave us for some time and he left. As soon as my manager left, these officers started hurling abuses at me. They were PSI Nikam and inspector Chavan. I asked them for what purpose they wanted me to go with them. They said they could not tell me the reason. Then I called my manager and informed him about the officers. The police officers took my manager aside and had some conversation with him. I don't know what they told him, but my manager gave up resistance. Now they turned to me again and

threatened me to go with them without a fuss, or else they would take me away forcibly. Then they took me out of the building where a Maruti Esteem was already waiting and there were two more policemen who's names I do not know. They asked me to take them to my room. I complied. They asked me to show them my belongings. I did. They illegally seized my passport, my books, my certificates, appointment letter of Spider System (my previous company), salary slip. They also seized my Sony Ericsson mobile, SIM card, licence and my wallet. They even took my visiting cards and my money from me. Then they took me to Mumbai by Kingfisher Airlines.

"Accept that you had been to Pakistan"

They brought me to Mumbai and detained me in Antop Hill crime branch office. I kept asking them throughout the way as to why they were taking me away in such a manner. But they did not answer any of my questions and kept threatening me to keep my mouth shut. I was worried and scared by their behaviour. After keeping me locked up from 12 pm in the morning till 4 pm in the evening, they produced me before some lady officer. I later came to know that she was Meeran Borwankar, the chief of Mumbai crime branch. My conversation with her:

Meeran: "Why have you been brought here?"
Me: "I do not know"
Meeran: "Your brother has been arrested in 7/11 blasts case!"
Me: (Shocked) "What are you saying, Madam?"
Meeran: "Do you too have a role in this case?"
Me: "No."
Meeran: "Your brother had been to Pakistan? Why?"
Me: "One of my cousins, Zohra, was getting married in Karachi. He had been there only to attend her wedding."
Meeran: "Alone? Had he been alone to Karachi for the wedding?"
Me: "My parents too were to go with him, but my mother fell sick before the date of departure."
Meeran: "Your brother had been to Pakistan to undergo training at terror camps."
Me: "This is false."
Meeran: "Have you too been to Pakistan?"
Me: "No! Never."

Meeran: (looking at my passport) "You had been to Iran..."
Me: "Yes, on a religious pilgrimage."
Meeran: "You have not been to Iran. In fact, you had been to Pakistan from Iran, and you took weapon training there."
Me: "This is false."
Meeran: "You will have to confess this!"
Me: "I will not take this blame on myself! Not at all!"
Meeran: "Very well! Enjoy the taste of encounter then."

Then assistant police inspector Nikam, police inspector Chavan, Sachin Kadam and other officers kept torturing me continuously for five days. They did not let me sleep for 48 hours. They wanted me to accept Meeran Borwankar's story and say my brother had been to Pakistan terror camps for training. During these five days I was not taken to any doctor for medical checkup nor was I produced before any magistrate. These days I also saw a person at the Antop Hill office brutally tortured by the police. Later I came to know that he was Feroz Deshmukh, falsely implicated in Aurangabad arms haul case.

Journey to Iran on pilgrimage

During August 2004, I had been to Iran. I had heard a lot about the tombs of great religious personalities in Iran and had sincere desire to see them at least once in life. I visited various cities and paid visits to several *mazaars* (sacred tombs) of the revered descendants of the holy Prophet Muhammad (PBUH). I visited *Bibi* Fatima's shrine in Qom (may Allah be pleased with her) and Imam Khomeini's tomb in Tehran. I stayed for 15 days in Tehran, 10 days in Mashhad and 5 days in Qom. I was given a visa of one month by Iran but I overstayed there for some more days. Accordingly, I went to Tehran and got my visa extended. I had personally been to the Iran embassy in Mumbai and had filled the form mentioning clearly that I intended to travel to Iran to visit the tombs of religious elders. I had submitted my form and my passport there. Then I had personally been to collect my visa. I have never been to any other foreign country, except Iran, and I had been to Iran only once in my life. After completing my visits to the revered tombs, I came straight back to Mumbai.

Arrested in false case

On 27 July 2006, I was taken to Kalachowki police station from Antop Hill office. There I saw my brother for the first time in police custody. He was in a very bad condition as he was brutally beaten and tortured. He was handcuffed and masked. They took away the mask from his face to let me see him. Then both of us were taken to Bhoiwada lockup. On 28 July 2006, both brothers were taken to Mazgaon court. Before taking us to the court, the police officers threatened us not to say anything to the judge except that we were fine and had no problem. I wanted to speak in the court, but they did not allow me. Then they took me in police custody and started inflicting third-degree torture on me. Sometimes I was tortured at Bhoiwada and at other time at Kalachowki.

My relatives harassed

On 2 August 2006, I was taken to the second floor of Bhoiwada lockup. I saw many officers there such as AN Roy, Raghuvanshi, DCP Naval Bajaj, inspector Kolhatkar and others. I was beaten terribly by them that day for the only reason that I was not ready to accept their false story and take the blame of blasts on myself. That day I saw other accused namely, accused no. 2 Dr. Tanveer, accused no. 4 Ehtesham, accused no. 10 Suhail, accused no. 11 Zameer, my brother Faisal and my cousin Noman Sultan Shaikh. All of them were brutally tortured that day. I too was tortured continuously that day. My cousin Khalida was also brought there and she was made to sit for hours. ACP Patil would constantly keep threatening Khalida that he would implicate her too in the bomb blasts case. I was not allowed to meet my father during this episode and was shifted from one police lockup to the other on and often.

Police snatch my *bhabhi's niqaab*[a]

Between 13 and 16 of August 2006, I was brought to Kurla crime branch office. There I was tortured by the encounter specialist

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[a] *Bhabhi:* Brother's wife. *Niqaab:* Veil; A cloth used to cover a woman's face worn by some Muslim women.

Vijay Salaskar and his team. During these four days my father and my *bhabhi* were also detained in the lockup. My father was stripped naked before all the accused and tortured. I do not know since when was my father detained there and why? The policemen dragged out my *bhabhi's niqab* and misbehaved with her. Vijay Salaskar, assistant police inspector Dalvi, assistant police inspector Phadke, Alaknure and other officers would beat us brutally and pressurise us to accept the false story concocted by the ATS or else they would go to any extent with my *bhabhi*. They kept uttering indecent words for her.

False statement from my relatives

The ATS brought my cousins Bilal Salahuddin Shaikh and Muhsin Junaid Khan Puna to the Bhoiwada lockup. They were beating them in front of us and were asking them to give the statement that we had (my brother and me) indulged in illegal financial transactions. Tajne threatened Bilal saying if he did not give false statement against us, he would implicate his elder brother Saeed in this case. Intimidated by the threats, Bilal finally gave false statement in the court against me. All my co-accused were tortured mercilessly at Kurla lockup. We were stripped naked and made to stand before each other. My brother was beaten brutally in front of me. They tortured my cousin Noman Shaikh badly and pressurised him to give false statement against us in the court, or else he too would be implicated and arrested in the 7/11 case.

85 days of police custody

After every 14 days I was produced in the court and my custody was extended to further 14 days. They would always threaten me not to complain against them in the court or else they would get my custody extended and torture me further. In this manner I was kept in the police custody for 85 days. During these 85 days, though I was taken to hospital, the doctors there did not ever perform any checkup. I was not allowed to talk to any doctor. The doctors also were not allowed to remove the mask and take a look at my face. I was simply made to press my thumb on some papers. There was no need to complain to the doctor about the torture, because the wounds and bruises were clearly visible on my body. Yet, they did not ask me a single question about the torture.

How I signed the confession?

I was brutally beaten to make me sign on some blank papers. They asked me to write a previous date on it. I was also made to sign on some written papers but I was not allowed to read what was written in it. I was produced before the DCP, zone V. Therepolice Inspector Joshi tortured me terribly before taking me to the DCP and threatened me to quietly sign on the papers, or else I would have to bear grievous consequences. I was beaten so badly that I was limping that day and was unable to walk, one of my eyes had turned black and the signs of torture were clearly visible on my body. The DCP gave me some papers to sign, but he did not let me read them. Then I was taken to Mahim and locked up for a day. The next day I was again taken to the DCP. He again asked me to sign some written papers. Inspector Joshi was always with me like my shadow and would always keep threatening me that if I refused to sign, he would again torture me.

Whole chargesheet is false

Then I was sent to jail. On 9 November I disowned my confessional statement in writing by sending a "statement of retraction" to the court. On 2 November 2006, I told the judge that I had not made any confession and that I was forced to sign on some papers. I wrote a written complaint against the ATS from jail. I handed it over to superintendent Swathi Sathe and requested her to send it to the court. But she was not ready to forward it. On the contrary, she was asking me not to complain against the ATS. Advocate Shahid Azmi had written my complaint in the court and had submitted it to the court. I had never made any confessional statement before the police officers willingly or unwillingly. All allegations against me were false. In fact, the whole chargesheet was false. Six weeks after being arrested in this case, I was given my chargesheet. I was shocked to read the contents of the document. All witness statements and *panchnama* reports were false. The police concealed all documents that could prove my innocence. After being brought from Bengaluru, I was never taken back there again. During my custody, the police brought some of my colleagues from the company. They had recorded their statements. Their names were included in the chargesheet, but they were never summoned to the court to bear witness. I have

submitted those statements from the chargesheet to the court again. From 1 to 26 February, I had not been to Pune, or Mumbai. I was assigned an important task those days by M/s Spyder Systems Limited. and I was working day in and day out to complete the project. I was trained in my company to execute the project assigned. My cousin Muhsin was also assigned this project with me and we two were working hard to complete the project. We would have our food often together. After my job I would rest at my cousin Bilal's house and we would spend leisure together.

Before shifting to Bengaluru, my mobile number was 9867329067. The ATS submitted incomplete and tampered call data record to the court. When I was in Bengaluru my mobile number was 9980472400, but the ATS concealed the CDR and location of this mobile number. During my police custody, the duty registers of both my Pune and Mumbai companies were brought to me, but they were never submitted to the court.

My family is wrongly framed up

Neither had I made any confessional statement before the police during my custody nor had the police recovered anything on my disclosure. They did not ever take me to any house in Bandra or Mira Road. Contrary to the ATS claim, I had never bought any Maruti 800 car. I had never asked Bilal or Muhsin to collect funds for ulterior motives nor had I talked to them regarding the same. My cousin Khalida Iqbal Khan has been wrongly implicated in a FEMA case. She has been wrongly accused of illegal foreign financial transactions, so as to arrest her as a part of the ATS plan to harass my family. My family were either wrongly implicated in this case or were pressurised to bear false witness statements against us. I have never known any of the wanted accused of this case. Both my brothers, Raheel and Faisal, have been falsely implicated in this case.

ATS wrongly implicates us three innocent brothers

Whenever I tried to complain against the atrocities committed against us during the police custody, the jail staff deterred me from doing so. I have now written down the whole saga of injustices by the ATS in my statement. I have never been to Pakistan legally or illegally. I have not procured any fake degree certificate. The police

have ruined my life with this false implication. The ATS has many times made me offers to turn an approver. They said they would make my case loose and get me out of jail soon. When I rejected their offer the ATS and the jail staff started harassing me. During 2008, the jail staff assaulted me brutally and transferred me to Nagpur jail. I am innocent. Seven years of imprisonment has totally destroyed the mental peace of my family and me. I was working in a multinational company and had become a support for my elderly parents, but the ATS implicated us all three innocent brothers and shattered our lives. My parents earnestly seek Allah's Mercy and keep praying to Him that this long campaign of persecution ends.

Cross-questioning

The ATS concealed a lot of documents establishing my innocence and I was unable to procure many of them as my father was too old to help me collect them from various offices. After almost more than two months, following being sent into police custody, I got an advocate to represent me in the court but I never got to see him. Advocate Shahid Azmi had been to the Bhoiwada lockup to take my signatures on the *vakalatnama*[a]. The ATS got miffed with this and they took out their anger on me by torturing me mercilessly. I trust every member of my family except only those who made false statements against us in the court. During our police custody the ATS would give us an ointment to apply on our torture marks which would make them disappear in 2-3 days and then they would again start torturing us.

Raheel is innocent

Faisal had been to Saudi Arabia in 2004 for a job. He has travelled abroad many times for work. He is in Birmingham (U.K.) these days. During my police custody at the ATS office Chandan Chowki, DCP Naval Bajaj made me talk to Raheel. They were torturing me and were making Raheel hear my screams [on the phone]. It is not true that Raheel was a part of conspiracy with me

[a] Consent from a person to a lawyer represent him/her in a case.

and Faisal. He [also] has been falsely implicated in this case. Raheel has performed Hajj whereas Faisal has performed *Umrah*.[a]

Expenses of the pilgrimage to Iran

Raheel bore all the expenses of my religious tour to Iran. He was in Bengaluru those days. I had personally obtained the visa from Iran Embassy in India. I do not have any relative in Iran, but I do have a lot of friends there. It is not true that my main motto of visiting Iran was to secretly sneak into Pakistan from there and get terror training at Azam Cheema's camp. We were kept in separate barracks at the Arthur Road jail. Whenever we met each other, we would discuss our family issues. Faisal was arrested illegally, probably on 19 July 2006. Later, on 27 July 2006, both of us were arrested legally.

Mobile's Call Data Record tampered with

Police did not ever take me to my Bandra or my Mira Road home. After arresting me, the police had seized my computer, but not in my presence. At the behest of ATS Bengaluru police had registered a false case of fake documents against me. It is not true that I had indulged in illegal activities while working in a reputed company. They never hire anyone for job unless they have performed a background check on him and his family. I do not trust the CDR and the locations of my mobile numbers submitted to the court because, they were produced after three months and it is quite possible that the data are tampered with. The data submitted are incomplete and tampered with. I have worked in this field and know very well that the CDR of a mobile number can only be retrieved within two weeks. I had filed an application in the court to summon my colleagues so that they could testify in my defence. But the court rejected my application. The ATS seized all my salary slips and duty register and hid them away, because they could bust all allegations levelled against me. It is not true that I did not produce the documents, nor ask for my colleagues to be summoned because they were against me.

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[a] Umrah, the 'minor pilgrimage' undertaken by Muslims whenever they enter Mecca throught the year. It is similar to the major and obligatory Islamic pilgrimage, Hajj, which happens once a year.

My statements are true

I have very good relations with my cousins. Due to the fear of being falsely implicated like us they made false statements against us and they also did not complain against the physical and mental torture meted to them by the ATS. It is not true that I was present in the conspiracy meeting of 7/11 blasts. Feroz Deshmukh had told me in the lockup that he had been falsely implicated in Aurangabad arms haul case. It is not true that I am lying that Feroz was being tortured in the lockup. He was indeed tortured. On 11 July 2006, Farooq, my room-mate, a Kashmiri, was with me in my room in Bengaluru. All I have said so far is the truth, and nothing but the truth.

End of Muzzammil's statement

Analysis of Muzzammil's statement

The Crime Branch had illegally detained and tortured Muzzammil for six days from 22 to 27 July 2006. Back then Meeran Borwankar was the crime branch chief. Today she has been promoted and made director general of all jails in Maharashtra. Today Meeran Borwankar is the chief of the jail in which the prisoner Muzzammil is kept. The same Muzzammil on whom she had inflicted third-degree torture. The same Muzzammil whom she had asked to accept the police's false story that he had been to Pakistan to seek training at a terror camp. This is India's police system. The dirtier you get, the higher you rise. It is all about how evil you can get.

Muzzammil's colleagues know that he had been abducted from his office by the police on 22 July 2006. But due to the fear of ATS, none of them came forward and testified in his defence. Then the court rejected the application demanding his colleagues to be summoned to bear witness. In such a condition, how can one prove that he was illegally arrested by the police on 22 July 2006 and not on 28 July 2006?

No evidence of Muzzammil visiting Pakistan

Muzzammil's passport has been submitted to the court. It has the visa to Iran attached and it was obtained with a purpose of visiting the tombs of religious elders. But the ATS claims that he has not

been to Iran. Instead, they claim, he had been to Pakistan and had undergone terror training. The police do not have any evidence to prove their claim. On the contrary, Muzzammil has the evidence that he had been to Iran for a religious visit and his passport bears evidence to the fact. The question is, why were the ATS and the Government of India unable to bring evidence that would establish Muzzammil's journey to Pakistan from Iran? It is also strange that neither the ATS nor the Government of India has sent any letter to the Government of Iran in this regard. If Muzzammil had travelled to Pakistan from Iran, then there must have been one or the other evidence or witness to prove it. Despite such friendly relations with Iran, the fact that the ATS has been unable to collect any evidence is a proof that their claim is false. Or else the ATS would have brought forth something.

Attendance register concealed

Eighty-five days of police custody is not an ordinary matter. A man is shattered in just 5 hours of torture. Imagine 85 days of torture inflicted upon Muzzammil. One can hardly imagine what he must have gone through. And when the police get down to the dirtiest level of misbehaving with female members of one's family who strickly observe *hijab*, even the toughest of the tough breaks down, gives up his resistance and agrees to sign on any fake or false document the ATS asks him to. This is exactly what happened with Muzzammil. The ATS's false story claims that Muzzammil participated in the conspiracy meetings of 7/11 and performed recce of the local trains. But Muzzammil refuted the ATS's claim saying he was in Pune during those days and was busy completing an important project assigned by the company. The attendance registers of the Pune and Bengaluru companies are important evidence to prove where he was on what date, yet the ATS did not submit them to the court. The only explanation to this inaction by the ATS is that the attendance registers bust their false story and that is why they caused both documents to go missing.

What can be more atrocious than the fact that the ATS implicates three brothers in a false case? And then that a female member of the same family is implicated in a false case of illegal financial transactions? Furthermore, that three members of the same family were pressurised and coerced to become witnesses

against their brothers. When an accused is beaten only for the simple fact that his advocate visited him to take his signatures on a *vakalatnama,* imagine the extent of police's desire to falsely implicate. Muzzammil's brother is an expert computer hardware engineer. He works at a reputed company in Birmingham. He had borne all expenses of Muzzammil's visit to Iran. Had they been illiterate, poor and jobless, then it could have been valid to raise a question as to from where Muzzammil got the money for such a tour. On the basis of false confession, the court convicted Muzzammil to life sentence and he is languishing in Nasik prison.

Accused no. 10 : Suhail Mehmood Shaikh

My name is Suhail, age 45, from Camp, Pune. I was born in Pune. I stay in Pune with my wife, three children, my parents, two brothers and one sister. In 1980 my family was in the business of supplying tiffins. In 1992, after failing in tenth standard, I joined my family business. In 1996 I took up spiritual healing as a profession and worked from my home. Since 2004, I have a mobile number 9372111729 of Reliance company registered in my name. I use it for my personal purposes and it is always with me. I contact my family, friends, my patients and professional acquaintances from this number. Till my arrest in this case, my mobile was with me.

Petty conflict turns into a SIMI case

I used to visit Usmania Masjid to offer my prayers regularly. In 1993, there was a conflict between two groups of different schools of thought in this masjid. I tried to intervene and resolve the conflict. Instead, I got entangled in an altercation. After some days I received summons from the Camp police. When I reached there, I came to know that a complaint had been lodged against 12-13 men, including me. I did not know any of these 13 men. The allegation was that I was a member of SIMI and was actively involved in its movement. I was released by the police station on

the condition that I showed my presence in the station once in a week. This was my first interaction with the police. I would promptly register my attendance at the station and also on special festivals like Ganapati, Shiv Jayanti, Eid Milad, Diwali *etc.* In 1994 some men burnt an American flag in Pune. I was called to the police station regarding the matter, but no case was registered against me. I was unable to report to the police for my weekly attendance on two occasions. Consequently, I was made to report twice in a week as punishment. In 2000, the ACP ordered me to submit a bond in the police station to guarantee that my name won't appear in any matter for the next six months and only then I would be exempted from weekly attendance.

Visiting tombs

I often visit graves and recite the Qur'an and do *adhkaar*[a] there. I had an earnest desire to visit the *mazaars* (shrines) of the descendants of our beloved Prophet Muhammad (PBUH). Accordingly, I visited Iran in November 2002 and paid a revered visit to Imam Ali Reza and his sister Masoomah-e-Qom. I stayed there for a month.

Police implicate me in a false case

Even after my return from Iran, often the police would call me to the station following untoward incidents. They would detain me, abuse me and subject me to inhumane treatment. In 2003 after Ghatkopar-Mulund blast I was called to the station. AN Roy was the police commissioner those days. He detained me for 3-4 days. They took me to crime branch office opposite Rahul theatre and tortured me mercilessly. I was tortured the whole day. AN Roy was present there. During the investigation they took my passport from me. They asked me about my visit to Iran. They enquired as to wherefrom I got my visa. I told them the police station had given me no objection certificate regarding my visa. They checked my previous record and found nothing. Then they sent me to the Camp police station. My family would visit the station and enquire about

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[a] Arabic, plural of *dhikr;* literally means "remembrance, reminder" or "mention, utterance". They are Islamic devotional acts, in which phrases or prayers are repeated.

me. The police would send them back assuring: "It's a routine enquiry. No case will be registered against him." I was then produced before a judge with Section 151, 153 slapped on me and I was sent to Yerwada Road jail for 15 days.

My connection with Mumbai

After my return from Iran, the number of patients for spiritual healing increased. Too many people would visit me from Mumbai for healing. I would get a call to attend my patients at any time in the day or the night. My in-laws are from Andheri, Mumbai, and my cousin is from Kurla. I would often visit Mumbai and would treat patients there, too. During 2006 from January to March I did not visit Mumbai. Whenever I visited Mumbai I would go to Andheri, do my job and return to Pune. I have never been to Perry Cross Road in Bandra, nor do I know where this place exactly is. I had only heard the name during my police custody. I had not known any of my co-accused in this case previously nor had I seen them nor heard of them. I saw accused no. 3, Faisal, for the first time at unit II, Saat Rasta police station on 23 July 2006.

Police abducts me from my home

Officers Gaikwad, Hargude and other policemen from unit II, crime branch Mumbai came to my home on 21 July 2006 at about 10 am in the morning. A day before, I had been to my sister's home at Kondhwa for spiritual healing. My mother too was at my sister's house because she had gone through a knee surgery. My brother called me and told me some policemen had come to our home and they wanted to see me. Kondhwa is seven kilometres from Camp. I told my brother that I would leave right now. A soon as I reached home, the policemen acted like asking me a few questions, grabbed me suddenly and snatched away my mobile phone. They took other articles from my pocket. They then searched my entire home. They did not find anything except my passport. Then they took me to the circuit house and thrashed and tortured me there. They asked me whether I had been to Iran. I replied in affirmation. They asked me if I knew a certain Raheel from Mumbai. I said: "No." Then they took me in a vehicle to Mumbai. Throughout the way my mobile kept ringing with calls. They received some calls, and ignored some.

Five days of illegal detention

We reached unit II, crime branch Mumbai office in the evening. One of the officers called my brother-in-law. My family did not know where I was. My brother-in-law asked where I was and if he could meet me. The officer mockingly said: "Suhail is in crime branch office. You will soon see Suhail in newspapers and TV." I was detained there till 26 July 2006. From 21 to 26 July, I was tortured there repeatedly. They starved me continuously and they would keep asking me only one question: "What was my intention of the Iran tour?" On 24 July 2006, I was taken to Bhoiwada. There they subjected me to third-degree torture, did not let me sleep and kept interrogating me constantly.

On 25 July 2006, officers Bagwe, Tonpi, Rathod, Sachin Kadam and Dinesh Kadam tortured me for the whole day. During these five days, 21 to 25 July 2006, I was not taken to any hospital for medical checkup. On 26 July 2006, I was produced in Mazgaon court before Judge Garde. He sent me in police custody for 14 days. Then the episodes of torture grew longer. They would sometimes take me to the hospital, but they would threaten me not to say anything to the doctor. I was repeatedly asked whether I knew the accused Faisal and Muzzammil. I reiterated that I did not know them nor had I seen them ever. They kept accusing me that I had been to Pakistan from Iran and I would keep denying the allegation. They asked me if I knew Azam Cheema? They also asked me about the SIMI case and whether I was a member of SIMI. Officers Dinesh Kadam, Arjun Gaikwad and *hawaldars* Bagwe, Desai and other *hawaldars* took me to Pune on 30 July 2006. They asked me on the way if I knew Rizwan Dawre. I said: "No." Looking at the road I understood that they were taking me to Pune, but they did not tell me why they were taking me there. We reached a police station in Pune. We stayed there for a while and then we reached Premanand Park apartments. They made me stay in the vehicle and went on checking one building after another. After some time, they came with an old man and a young lad. I later came to know that the young guy was Abdur Rehman Dawre. He had later appeared in the court as a witness. Abdur Rehman was made to sit with me in the vehicle. Gaikwad asked him not to talk with me. Gaikwad then told me that we had to go to Camp area. I informed him that there was nobody at my home

and that everyone was at my sister's house in Kondhwa. Then we went to Kondhwa and stayed there for half an hour. There we came to know that my wife and my mother had gone to our house in Camp area. So, I was again taken to Camp.

Got nothing at my home

Abdur Rehman Darwe was with me in the vehicle throughout this journey. They kept talking to my father for quite long. They gave him false assurances saying: "It is only the enquiry going on now and if Suhail is innocent, he will be released." My mother had a plaster on her leg owing to her knee surgery. The police were talking a bit softly to my mother. After sometime we heard some loud noises there. Some men had been there to protest against the police. They did not search my house at that time. There was also no *pancha*-witness present at the moment. Nothing was seized and no *panchnama* was prepared. But the public prosecutor later cooked up a false story that maps of India and Mumbai were seized from my home. No book was seized from my home. The police brought some books from Khandwa and pinned them on my name. Since the protest was on outside my home, they fled the scene and brought me back to Mumbai.

The evidence of my kidnap

On 2 August 2006, I was taken out of the Bhoiwada lockup to an upper floor. Commissioner Rai, Jai Jeet Singh, Bajaj, Sunil Deshmukh, Khanvilkar, Sachin Kadam and other officers were present there. I saw accused Dr. Tanveer, Faisal, Muzzammil and Zameer made to sit naked there. I too was stripped naked and all of us were subjected to third-degree torture. I was taken to KEM hospital once in a while during these days, but I was given the same threat to keep quiet before the doctor. On 21 July 2006, the police had been to my home at Pune in a Bolero jeep numbered MH-01-BA-4230. I have procured the log book of this vehicle through RTI. This log book proves that I was kidnapped and detained illegally. I have submitted the document to the court.

The most heinous torture

On 14 August 2006, me, Dr. Tanveer, Faisal, Muzzammil, Ehtesham and Zameer were taken to anti-robbery cell Kurla (Vijay Salaskar's office). Officers Dalwai, Thadke and others were there. They stripped me naked and thrashed me brutally. I saw the aforementioned accused also being tortured there. They had also brought Faisal's father there. They stripped him naked and misbehaved with him. Faisal's sister-in-law was also brought there and they snatched away her *niqaab* and tried humiliating her. Looking at their father being humiliated, the accused Muzzammil and Faisal kept pleading with the police for mercy. When Faisal's father tried hiding his private parts with his hands, the police would beat him on his hands and ask him to raise his hands. The police pressurised Muzzammil to either take the blame of the blasts on himself or ask his father to take the blame. Or else, both sons and father would be subjected to this shameful torture. They also threatened me to take the blame of the blasts on my head, or else the female members of my family would be also be humiliated in a similar manner and they would be handed to drug addicts to be raped. This continued day in and day out for several days.

Made to memorise a false story

They would give us little to eat. When one of us asked for more, they mocked us saying "If you eat more, you won't be in a condition to bear more pain during the torture at night." One night, officer Phadke tortured me horribly. When I was going to bathroom that night, I caught a glimpse of witness Ghulam Qureshi and Abdur Rehman. Both of them appeared to be in a horrible condition. One officer was beating Abdur Rehman whereas the other was dragging Ghulam Qureshi by his hairs and abusing him. I saw Faisal's father and a woman with a child in her lap. During these days we were taken to the Bhabha hospital only for the sake of formality, but not given any treatment.

Officer Phadke threatened me saying if I did not accept the blame of blasts, the female members of my family would be humiliated more shamelessly than Faisal's. Then they took me to Bhoiwada, and then to Kalachowki. Officers Tajne and Sachin Kadam came to me and asked me to narrate everything from SIMI till my trip to Iran. I said I did not have any contact with SIMI. He

rebuked me in mock surprise: "Denying even now? Even after all this? Have you not learnt any lesson at Kurla?" He gave me some written papers and said, from today onwards, you'll say only that which is written in these papers. The papers read:

> I am a member of SIMI. I have good relations with Faisal. I went to Pakistan on his say and achieved weapons training there. After returning from there I started working for Faisal. I helped him in making bombs for 7/11 blasts. I also performed recce to choose target sites for blasts. I was present in the conspiracy meetings held before blasts along with Dr. Tanveer, Faisal, Muzzammil and Zameer. I was completely in know of the blasts that occurred...

Many other things were written in it, which I do not remember now. He gave me these papers and asked me to memorise them within one hour and they would test me. They threatened me that if I made any mistake in memorising, they would torture me more than they did at Kurla. After one-hour Tajne and Sachin Kadam came to me and asked if I had memorised the story. Then they took me to a sound-proof room. They asked me if I had memorised the story. I said: "Yes, but..." As soon as I uttered the word "but", they thrashed me brutally. They told me I had to narrate the story I had memorised before the camera and I would have to deliver it in a natural manner. It should appear that I was under no fear. I then started reciting the story before the camera. As soon as I would commit any mistake, they would turn off the camera and start beating me mercilessly. I committed mistakes in one or two sentences. They asked me to repeat the whole story. After the recording they brought me to Bhoiwada.

Disrespecting Prophet Muhammad (PBUH) and Islam

After 17 August 2006, officer Mangde kept torturing me continuously and disrespecting our beloved Prophet Muhammad (PBUH). He tortured me physically and mentally to such an extent that I felt he had extreme hate not only for me but also for my religion Islam. His conversations were not related to enquiry regarding the case. After every 14 days, they would produce me before Judge Garde and threaten me not to say anything in the court. On 3 or 4 October I was taken to Kalachowki where officer Dinesh Kadam again video-recorded my statement saying he

wanted to know if I still remembered the story or not. After the recording he told me he knew I did not have any connection with this case nor with the accused persons of this case. He said if I cooperated, I would be released soon. He was talking to me in a soft tone. I asked him: "Sir, this is a bomb blast case. How could I be released soon in this case?" He said he had very good contacts with the higher officers. He said in some days I would be sent to jail (in judicial custody) and the case would be heard by Bhatkar madam (judge). He said everything had been managed. He then sent me back to Bhoiwada. After that a lot of officers came to meet me. I noticed a change in their behaviour. All of them were suggesting to me that I must cooperate with them.

Sign if you want relief

The next day officers Tajne, Deshmukh and Mangde came to me at Bhoiwada. They told me they would produce me before a higher officer and I must narrate the same story that I had before the camera. They said the officer was in no way related to the case. Then they took me to LT Road police station and produced me before DCP Dumbre. The DCP was nice to me. He asked me to sit on a chair and gave me some papers to sign. When I refused to sign, officers Tajne, Deshmukh and Mangde threatened me menacingly. I gave in and signed on the papers. I was then locked up in LT Road police station. The next day I was again produced before the DCP. All three officers again said that if I did as they said, things would be easy for me, and if I did not listen to them, then things would get worse. I got intimidated by the threats and signed the papers. They did not give me those papers to read. It was the holy month of Ramadan and I was fasting. Then they took me back to the lockup. I asked the officer on the way as to what was written in those papers. He just played it down saying: "Nothing. It only has your name, address, details, family members, your profession and other such things." I said: "But there were many papers, Sir?" He did not give me an answer. Then they took me to Qila court and produced me before a magistrate. They had threatened me before taking to the magistrate to keep quiet and not complain about anything. The magistrate asked me my name and enquired if everything was all right. I said: "Yes." Then they brought me back to ATS lockup.

Complaint against ATS in court

I was kept in police custody for 75 days. The afore-mentioned officers would repeatedly take me in police custody and torture me physically and mentally. On 9 October 2006, I was produced before Bhatkar madam. I told the judge that the police had forcibly made me memorise a false story and had video-recorded it. I told the court that I had not made any confessional statement. I also submitted all my complaints in writing to the court. The next month, on 9 November 2006, all of us accused were produced before Bhatkar madam. We again complained against the ATS and submitted it in writing. Within a span of one month, officer Mandge visited me thrice in jail and said: "Take back the complaints you have had made against us in court. In return, we will give you Rs 20 lakh and a single-bedroom flat at a place of your choice anywhere in Mumbai." He also offered me to turn an approver in this case. He showed me Rs 2.5 lakh from his pocket and said: "This amount shall be given to you as an advance and you can hand it over to your wife, brother, sister or anyone." He tried to intimidate me saying: "We are very influential people. We can come anywhere to meet you. You cannot evade us. There is no running from us." I turned down the offer. He asked me to reconsider my decision and said he would come back again tomorrow. These meetings were arranged by superintendent Swathi Sathe and they used to happen in the backroom of her office and the jailor, Govind Patil, used to take me there.

Say no to ATS offer: No peace in jail too

On 9 November 2006, Govind Patil jailor took me out of my *anda*-cell to Swathi Sathe's office. ATS officer Sachin Kadam was present there. We had this conversation:

Sathe: "Suhail, I hear you do spiritual healing?"

Me (Suhail): "Yes, madam. That's right."

Sathe: "You are needed out there. Many people need your healing."

Me: "Yes, madam!"

Sathe: "Why don't you accept the ATS offer?"

Me: "What offer?"

Sathe: "About becoming an approver. It is a good deal. There is a lot of benefit in it. It is a lifetime opportunity. Do not let it go. Whatever they give, take it and just get out of here."
Me: "Forgive me madam. I cannot do this wrong thing."
Sathe: "Okay then. You know the consequences of refusal, right? You are under my custody here. Do not expect anything good from me then."
Me: "I prefer prison for truth rather than freedom through falsehood."
Sathe: "You won't be able to stay here in peace."
Me: "Allah is with us. We'll approach the court."
Sathe: "Court...? (mockingly) That judge (Bhatkar madam) is my friend. But don't tell her about the offer I made you."
Me: (Stood there in silence)
Sathe: "You can go now. But be careful and don't ever dare go against us."

I was then made to sit in a jeep outside the jail and taken to the court. *Hawaldar* Patil from ATS was there with us. He kept threatening me in a subtle tone and was constantly asking me to think over the offer.

Even after this, Sathe and Govind Patil kept pressurising me to accept the offer and become an approver. She would harass me by repeatedly checking my cell. My co-accused complained against Sathe and the jail staff to the court.

At last, on 28 June 2008, Sathe took me out of the *anda*-cell and got me beaten so terribly that she broke my arm. I was sent to Nagpur jail in this condition. I did not get any medical attention there. They did this so that I became unable to defend myself. I incurred huge losses at a personal level due to all these things. On 14 November 2007, my father passed away. I was informed three days later.

Waiting for justice

At the end I would like to say that I do not have any connection with this case. I was never a member of SIMI. Abdur Rehman Dawre's witness statement that I used to attend SIMI programmes is false. I had never seen him in my life earlier. The police witness Alam Qureshi is lying that he saw me at accused Faisal's house at Bandra. I don't even know the accused. So, the question of visiting

his house does not arise at all. I met some of the accused of this case for the first time in police custody and the rest in judicial custody. I have spent my past seven years[a] in prison despite being innocent. I have incurred heavy losses due to this wrongful implication. My mother passed away last year, on 7 June 2012. I was the only bread winner for my family. But today, everything is destroyed. Whatever has been mentioned regarding me in the confessions of my co-accused is false. I ask for nothing but justice and I appeal that I be released at the earliest.

The ATS threatens: Do not hire an advocate

It is not true that I constantly indulged in anti-social and anti-national activities because of which I was asked to submit a bond. I was unable to hear the witness statements made in the court because the cabin where I was being made to sit right behind the court no the voice cannot be heard clearly from there. Accused Ehtesham and Asif have also been lodged in my barrack, but I have never discussed anything regarding this case with them. It is not true that my friends and journalists would come to meet me outside the court room. In the past seven years while waiting outside the court I have discussed various aspects of the case with my co-accused, but I do not remember exactly. None of the policemen who came to my home and searched it was in uniform. They were all in civil dress. When I was produced for the first time in the court, I did not have any advocate to defend me because the ATS had threatened me not to hire any and had tried demoralising me saying that it was not going to benefit me anyway. It is true that whenever we were produced before the judge, the judge would ask us if we had any complaint. But we were intimidated by the threats of the ATS and we remained silent due to it. Janab Shaikh Abdul Qadir is my teacher in my science of spiritual healing.

I do not mean to defame the judiciary

In 2002, the air fare to Iran was Rs 14,000. In Iran I had stayed at Qom at a *sarai-khana* (lodge) and in Tehran, at Hotel Pasargadh. It is not true that I had been to Pakistan from Iran and had

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[a] When he had written the letter it was seven years. Now it must be more than 12 years.

undergone weapons training. It is not true that I am denying the statements because it can lead to my conviction. It is not true that my home was searched in a lawful manner. It is not true that SIMI literature was found at my home and a map of Mumbai was also confiscated from my home with sensitive places marked. It is all rubbish that I have undergone terror training at Azam Cheema's camp in Pakistan. It is not true that Faisal is linked to Lashkar-e-Taiba and that the writing on the map seized from my home is his. It is absolutely false that I have made a confessional statement out of my own desire. I did not attend any conspiracy meeting. It is not true that I am levelling false allegations against the police according to the strategy taught in Al-Qaida manual for terrorists. It is true that Dinesh Kadam had told me that they have bought Judge Bhatkar and it is not true that I am saying this to defame the judicial system.

Suhail Shaikh's statement ends here.

Analysis of Suhail Shaikh's statement

Suhail's statement is short and comprehensive. He has refuted all allegations levelled against him. He was into spiritual healing and it was a routine for him to visit graves and perform rituals there. He travelled to Iran and paid a reverential visit to the graves of the descendants of Prophet Muhammad (PBUH) according to his faith. How was he wrong in doing so? What crime did he commit in doing so? Suhail even told the names of the hotels where he had stayed. The police did not get the records of those hotels to prove his claim wrong. Had the ATS been true in their claim they would have surely got the record from Iran.

Accused no. 11 : Zameer Ahmed Lateefur Rehman Shaikh

Personal introduction, education and business

Before my arrest, I used to stay at Lotus Colony, Worli, Mumbai, with my family. My wife and two children, my father, my late mother (she passed away during Zameer's trial), my elder brother and his family, all stayed together. I was born in 1975. After my SSC, I completed my graduation from Maharashtra College, Mumbai. In 1996, I started helping out my father in his business. We had a stall in Mumbai Central where we would make keys and would also sell other utilities. My brother started driving taxis and private cars. I would reach our shop in the morning by 10 am, do my job there and would go to Abdur Rehman Street to purchase goods (stock). Later in 2001, I too started driving a taxi. I was using mobile number 9820582720 during my arrest. I used to use this mobile number for my personal and professional purposes. The mobile would always be with me. I did not hand it over to anyone. Sometimes the passengers from my taxi would borrow my mobile to make calls. They would give me tips in the form of rupees, dollars, euros, pounds etc.

According to the public prosecutor I got married in 1999, but the fact is I got married a year later in 2000. My wife started suffering from TB. Due to this and other domestic problems my family life got disturbed. I am a Sunni Muslim as is my whole family, and we often visit graves for *ziyarat-e-quboor* (reverential visit to graves). My two sisters got married in Rajasthan. We would often go to Rajasthan and visit Ajmer dargah. Apart from Ajmer, our family regularly visit Haji Ali dargah, Mahim dargah and Nariyal Vadi dargah. In 2005 my wife got pregnant. My mother asked me to visit Iran and pay a visit to the graves of religious elders so that the child to be born may be healthy and pious and so that there may be peace and prosperity in our home.

Accordingly, I procured visa and visited Iran in March 2005. My whole family had been to the airport to bid me bye. My mother had given me 200 pounds, and 1,350 dollars. I reached Tehran, took a room in a hotel and visited the holy graves in Mashad, Qom and Tehran. I returned to India after 25 days and continued my routine till my arrest. I had safely archived the air ticket and other related documents at my home.

Where was I on the day of blasts

On 11 July 2006, I was busy with my normal routine from morning till evening. In the evening I came to know that a horrible tragedy, bomb blasts, had occurred. I called from my shop and informed my family that I was fine. Since the whole city was in panic and pain, I closed my shop early and went home. I used to call my elder brother about 8-10 times a day and vice-versa. On 20 July 2006 at night, my mother informed me that some policemen had been to my home and were enquiring about my Iran tour. My mother told me that she had given them the address of my shop and that they would be visiting me there. The next day as soon as I reached my shop in my taxi No. MH01 X1199, some policemen, who were already there in civil dress, dragged me out of my taxi, put me in their vehicle and took me to crime branch unit II, Saat Rasta. They searched my pockets and took my wallet, license, pocket diary, ATM card and everything from me. They tied my hands with a handkerchief. I was tied in a room at the crime branch office. I saw there were already many men tied like me. Then we were produced before a lady officer who I later came to know was Meeran Borwankar. She asked me my name, address, my profession and about my visit to Iran. I answered all her questions. Then I was taken to a dark room, stripped naked and tied in a standing position. After some hours, I was taken to another room where some men were being tortured. I too was tortured and my statement was recorded on a computer. My statement was recorded many times and at the end of every round of questioning I was asked who did the blasts? Every time I said I did not know they took me to the other room and began torturing me all over again. I was then taken to another room and forcibly subjected to narco-test due to which I lost consciousness. I was subjected to third-degree torture till 23 July 2006.

My statement is true

On 24 July 2006, I was taken to a cabin where my statement was recorded. In the meanwhile, they had gotten from my home my passport, air ticket, receipts of hotel, bus ticket and all other documents related to Iran. Then they cross-checked all the documents and found them correct. In the evening, I asked an officer as to when would they release me. He said higher officers were arriving in the evening and I would be released after they talked to them. But they did not release me. Till 25 July 2006, I was neither taken to any doctor nor produced in court, nor was I allowed to meet my family. I later came to know that my mother and my brothers continuously used to visit there, but they were not allowed to meet me. During this detention I saw Dr. Tanveer, Faisal and Suhail also there, and this was the first time I saw them in my life.

Third-degree torture in the name of investigation

One day I was taken to a doctor, but I was made to stand far away from him. They had some talks with the doctor and managed the medical papers. On 26 July 2006, I was taken to court, but before I was produced there, I was sternly threatened not to say a word in the court. I kept quiet due to this threat. Then they took me to Bhoiwada. Then again began a series of third-degree torture sessions. That night I was forced to sign some papers. I did not give any confessional statement to the police, nor was anything recovered because I had pointed it out. On the night of 31 July 2006, I was asked to run away, but I did not. On 2 August 2006 I was stripped naked and taken to AN Roy and a Punjabi officer. Till 14 August 2006, I was continuously subjected to third-degree torture. In the name of investigation, all they did was torture, torture and torture.

Pressure on the police

On 14 August 2006, I was taken to Kurla. A *hawaldar* came to me and pointed towards an officer and said: "That is Officer Vijay Salaskar. He has killed many people in encounter. So, you better speak the truth when you speak to him." Officer Alaknure was also there. I saw Dr. Tanveer, Faisal, Suhail and two ladies there. One

lady was in *shalwar-qamees*[a] and the other was in *burqa*. I was tortured there and I lost my consciousness again. Then I was brought back to Bhoiwada. Most of the officers who interrogated me admitted that they knew I was innocent, but they could not let me go because there was tremendous pressure on them.

My CDR and its cross-checking

During September, officer Bagwe came to me with my call data record and enquired me about each and every call in detail. Most of the calls in it were to and from my brother's mobile number 9819121242. He confirmed if the mobile number actually belonged to my brother. I was told that each and every person whom I had called or had received calls from was called by the police and enquired whether I had called them and whether the purpose for call was the same as I had stated or otherwise. Bagwe had threatened me that if even a single person out of them did not appear at the station and confirm my version, I would be horribly tortured. There were some international calls made from my mobile number. He enquired me about those numbers. I told him that the customers hiring my taxi would sometimes use my mobile to make calls. Officer Bagwe said: "I strongly feel you will get released because there is nothing against you." Every time I was produced in court, I would be threatened not to say anything to the judge. I would always keep quiet before the judge out of fear. I was photographed many times during my custody.

Memorise the false story

During August and September 2006, I was taken to Kalachowki two to three times. I was given a story of two to three pages and asked to memorise it. I was asked to narrate the story before the camera. I was unable to memorise the events and names of the story and reproduce it before the camera due to which I was horribly tortured. The officers told me that I had to narrate the story properly for just once before the camera, so that they could show it to their higher officers. I was also made several offers during this time, which I turned down straight away. One day Dhamankar was sitting with a big syringe in his hand. He said: "*Ye*

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[a] A traditional combination dress worn by women in Indian subcontinent.

AIDS wala injection hai. Ab main ye injection tere ko lagaunga."
(This injection contains AIDS virus. I will inject you with this.)

How I signed the confession papers

On 3 October 2006, I was taken to the upper floor of Bhoiwada where officers Shilke, Dinesh Agarwal and one more officer (whose name I do not remember) were present. They made me offers and asked me to cooperate with them. They asked me to sign on some plain papers. I would plead with them to have mercy on me and not make me do such a thing. They said amongst themselves: "Considering his educational level, he does not seem to be agreeing so easily. We need to teach him in his own style." Then I was sent to Vijay Salaskar where I was again subjected to third-degree torture. The next morning Alaknure succeeded in getting my signatures on some blank papers. Then they took me to Borivali. Alaknure was holding a file containing some papers in it. We sat for hours outside a DCP's office, but he did not show up. Then I was taken back to the lockup. That day I did not meet DCP Makrand Ranade, nor see, nor talk to him. The next day, on 5 October 2006, I was again taken to the DCP office, handcuffed and made to sit. The DCP came at 9:30 pm that night. That was the first time I saw DCP Ranade. He called me into the office and asked me to sign on some papers. I said: "Sir, I am innocent. I have not done anything wrong. Why is this all happening to me?" He simply pressurised me to sign on the papers. When I refused to do so, he said: "I will call the ATS and inform them about your adamance and they will take you back to their lockup, torture you and make you sign the papers." He further informed me that the other accused had signed. He regretted that the department was under tremendous pressure. As soon as he picked up the phone, I panicked and signed on some 8-10 written sheets of paper. This procedure was completed in around 50 minutes. The DCP did not ask me any question. Then I was taken to Borivali lockup. The next day I was taken to the GT hospital. The doctor there asked me if I had anything to complain about. I told him that the police officers tortured me horribly in Kurla station. On hearing this, the police officer with me got alarmed and he stood me in a corner and then he himself went to the doctor and whispered some things to him.

Then I was taken to the magistrate at the Qila court.
Magistrate: "What is your name?"
Me: "Zameer Ahmed Lateefur Rehman Shaikh!"
Magistrate: "Do you have anything to say?"
Me: "Yes, Sir. I am innocent and I am wrongly implicated in this case. My signatures were forcibly taken on some papers."
Magistrate: "You can go now." (The magistrate gestured at the officers to take me out.)

They brought me out and I do not know what conversation the ATS officer had with the magistrate. I was then taken to the vehicle where officer Alaknure came to me and slapped me on my face shouting why did I speak before the magistrate? He took my thumb impression on a paper and went away. I was later brought back to Bhoiwada and locked up.

Complaint against the ATS in the Court

On 9 October 2006, I was produced in the MCOCA special court where I complained against ATS officers before the lady judge that I was forcibly made to sign on some papers. The judge sent me into judicial custody to Arthur Road jail where I was welcomed with a slap and locked in *anda*-cell. On 2 November 2006, I sent letters to the President of India, Prime Minister, Home Minister, Chief Minister and Human Rights organisations mentioning my innocence. The jailor, Govind Patil, did not forward these letters. As a result, I brought those letters and submitted them to the court on 9 November 2006. That day before I was taken to the court Sachin Kadam met me in the superintendent's office and threatened me that it was better that I cooperated with them. He offered me money to cooperate with them and that he would make arrangements for my early release. I submitted a written complaint regarding the matter to the court through my advocate Shahid Azmi.

RTI

On 28 June 2008, the superintendent raised false alarm and got me beaten brutally. She then transferred me to Nagpur jail. After one and a half years we were sent back to the Arthur Road jail. The Supreme Court had imposed a stay on this case which was revoked

in 2010. Only after this did the legal proceedings of our case begin. The prosecution claims that they had got my medical checkup done at Bhagwati hospital, Borivali. I tried confirming the same through RTI but there was no entry in my name at the hospital. I procured DCP Ranade's vehicle's log book through RTI. According to the log book, on 4 October 2006, the DCP was busy in security arrangements (*bando-bast*) for the Prime Minister's visit, whereas the prosecution claims that he recorded "part-I" of my confession that day.

ATS falsely implicate us to save their skin

The investigating officer ACP Patil is lying in stating that I had confessed before him regarding my involvement in this case. The truth is I was never ever questioned by ACP Patil. The witnesses who recognised me in the court were given my photos. During my custody, I was photographed many times. Throughout the case, officer Mohite was always there in the court and before the witnesses would appear in the court, he would show us to them, so that they could identify us in front of the judge. I have not made any confessional statement out of my own desire. In fact, I have been forced to sign on some papers. All allegations levelled against me by the police are false. I did not know any of my co-accused before being arrested in this case. My CDR submitted to the court has been tampered with. False numbers have been added to the list and the locations shown are wrong. The ATS implicated me falsely to save their skin because they failed to catch the actual culprits. They discharged Sadiq from the case and did great injustice to us. All officers have made false statements in the court so as to help the ATS. All the confessional statements attributed to me are false, because I was never involved in any such activity. The ATS concealed the evidence of our innocence. The ATS is lying that they do not have CDR of our mobile numbers. They do have the CDRs because they had shown them to us during our interrogation.

Cross-questioning

I am fully confident that I and my co-accused do not have any relation to the case. I have never ever recorded any confession. I have not heard the statements of the witnesses because the voices

did not reach all places in the court and I was made to sit quiet far in the court. It is true that the Jamiat Ulama-e-Hind appointed an advocate for me. I have complete faith in my advocate. I also have full confidence in the judicial system of this country. However, I do not trust the crime branch or the ATS. After all that they have done to me it will only be foolish to trust them. My CDR, though incomplete, parts of its data can still be trusted. It is not true that I was in contact with Dr. Tanveer. Our shop is registered under my father's name and we also have procured license from the BMC (Brihanmumbai Municipal Corporation).

Police torture me

It is true that I had mentioned myself as a BPL [below poverty line] individual because since last many years I have been in jail and have not been earning anything. I had procured the visa and ticket for Iran from an agent named Faheem *alias* Raju. It is not true that I had given my passport to accused Faisal and that he arranged me my visa and ticket to Iran. It is not true that I had been to Pakistan and that I had undergone weapons training there. It is not true that all expenses of my Iran trip were borne by terrorist organisations. It is not true that Dr. Tanveer and I were in contact and were indulging in terror activities together. It is false that I am involved in this case, that I had attended the conspiracy meetings held at accused Faisal's house, that I travelled around Mumbai to choose targets for blasts. No provocative literature was found at my house. It is not true that I am levelling false allegations against the police regarding torture.

Zameer's statement ends here.

Analysis of Zameer's statement

After the 7/11 blasts, Zameer was picked only for the fact that he had been on a religious visit to Iran. The police had all records regarding his tour. That is why they went to his house and enquired about the matter. Zameer is a Sunni Muslim. He had been to Iran to seek blessings from the graves of the holiest of holy. He had secured all related documents regarding his visit, which the police took from his house and hid them away. When the police were unable to nab the actual culprits, they falsely accused Zameer

that he had been to Pakistan from Iran where he achieved weapons training, and then they arrested him in 7/11 blasts case. There is no evidence against Zameer. He has been convicted to life imprisonment only on the basis of false confessional statements.

Accused no. 12 : Naveed Hussain Khan

In Hyderabad on the day of blast

I was at my home in Hyderabad on the day of blasts. I am aware of the fact that I have been arrested under the bomb blasts case. I am a commerce graduate and have served as a manager in various companies. On 11 July 2006, there were blasts at several stations of Western Railways. I was at my home in Hyderabad that day. One of my colleagues called me and informed me regarding the blasts. I continued with my normal routine as usual. In the evening I got a call from my elder brother that I was supposed to contact police inspector Sunil Deshmukh on his mobile number 9967111115 or the land line 022-26708271. Earlier, prior to 26 September 2006, my brother had also sent me an email asking me to contact PI Deshmukh as soon as possible. Back then my brother was working for the *Times of India* as a sub-editor and was staying at Mira Road.

I have never been to Govandi

On 8, 9 and 10 of July 2006, I had come to my home in Hyderabad. Contrary to the prosecution's claim, I had never been to Govandi, nor do I know anything about Muhammad Ali or his house there. I saw Muhammad Ali for the first time in my life in police custody at Kalachowki ATS. All these three days my mobile was with me and I was sending and receiving calls from my number.

Arrested deceptively in 7/11 case

I am well acquainted with Muhammad Alam Ghulam Qureshi. During August 2006, he had called me and informed me that police had called him regarding a person they had arrested. I pacified him and asked him not to worry. I also asked him to co-operate with the police. During September 2006, he had taken the police to my brother's house at Mira Road. The police had given them police inspector Sunil Deshmukh's number and had asked my family to ask me to contact him. I returned home from my job on 29 September 2006 and I called the officer. He received my call and asked me to call him after ten minutes. Accordingly, I waited outside the STD booth so that I could call him in ten minutes. Suddenly, the local police came there and arrested me. I was taken to STF branch, Begumpet. I had also called Sunil Deshmukh a day before on his number. He had asked me my name, address, office address, mobile number etc. After providing him with all details, I had asked him: "What exactly is this all about?" He had told me that it was "nothing" and they were simply cross-checking some data. He further told me that if they needed any further help, they would contact me again. Some officers from Mumbai were also present there. They introduced themselves as Dinesh Kadam, Awari and Mahesh Bagwe. Officer Dinesh Kadam told me that I would have to go with them to Mumbai for 2-3 days and that they would release me after that. The next day, on 30 September 2006, they took me to Mumbai. They flew me by Kingfisher Airlines and took me to Bhoiwada ATS office. I was then produced in Sewree court and was arrested officially. When I was produced before the judge. We had this conversation:

Judge: "Do you have anything to say?"

Me (Naveed): "Yes, Sir."

Judge: "What do you have to say?"

Me: "Sir, I am innocent and I do not know why I have been brought here."

Judge: "You have been brought here as a suspect. If you are innocent, you will be released."

Me: (Looking at the judge in disbelief.)

I do not know anything about SIMI

As soon as they got police custody, they took me to a police station which I later came to know was Kalachowki ATS office. Police Inspectors Vasant Tajne, Arun Khanvilkar and Sachin Kadam interrogated me. They asked me:
ATS: "What do you know about SIMI?"
Me: "What SIMI? I have heard the name for the first time."
ATS: "Do not do drama here and tell us if you had been to Pakistan for weapons training?"
Me: "No."
ATS: "Where is your passport?"
Me: "I do not have a passport and I have never been out of India."
ATS: "Tell us the names of SIMI members quickly."
Me: "I do not know any SIMI member."
ATS: "What do you know about railway blasts?"
Me: "Nothing."
ATS: "Where were you on the day of the blast?"
Me: "I was at my home."
ATS: "What proof do you have?"
Me: "My mobile number."
ATS: "No, you are lying."
Me: "I am telling the truth."
ATS: "We are being too nice to him. Like this he will not open up."

With this, all three officers pounced upon me and started thrashing me. Various officers would come and ask me these same questions and on hearing my true answers they would inflict third-degree torture on me.

Alam Qureshi confesses he had been to China

After some days, I saw Alam Qureshi at Kalachowki. He looked at me and said:
Alam: "*Assalamu 'alaikum.*"
Me: "*Wa'alaikumassalam.* Alam, what are you doing here?
Alam: "The ATS has called me here."
Me: "Why?"
Alam: "It seems they want to see my passport."

Me: "You had called me during February and had informed me that you were about to go to China to meet your brother Parvez Qureshi. Remember...?"
Alam: "Yes! I remember."
Me: "You had also told me when I was in Hyderabad that your brother had sent you a visa of three months and you were going to China for business purposes. So, had you been to China?"
Alam: "Yes! I had been to China and stayed there for three months. Look at these." (He took out his Nokia 7610 from of his pocket and started showing some video clips he had shot at Shanghai beach.)
Me: "Beautiful city, right?"
Alam: (Showing me his passport...) Look at this. This is the passport for which I have been called.

Dinesh Kadam suddenly came out of his office and angrily asked Alam what he was doing? He snatched away Alam's mobile and passport and gestured at a *hawaldar* to take him in. The *hawaldar* took Alam into the office.

Threatened to implicate my father in the case

On 12 October 2006, officer Arun Khanvilkar came to me and said tomorrow you would be produced before a judge. You will have to just keep quiet before him and you will not complain against the ATS, nor the torture. During this episode, I was frequently taken to Bhoiwada and subjected to third-degree torture. On 13 October 2006, when I was being produced before the judge, I was again threatened not to speak against the ATS or else they would implicate my brother and my aged father in this case along with me. They also threatened that they would harass my family in Hyderabad. They got my custody extended till 27 October 2006. After this officer Kandharkar came to me and asked me to write a consent letter that I was willing to undergo scientific tests. He threatened that if I refused to do so, I must be ready to face grievous consequences and that I should be prepared to go through severe torture. Since I was intimidated by the threats, I wrote a consent letter and gave it to him.

Narco through torture

On 14 October 2006, they took me to Bengaluru. Officer Tajne, Khanvilkar and Sachin Kadam were with me in the journey and DCPs Naval Bajaj and SK Jaiswal were already there in the hospital. Dr. Malini injected me with some drug and made me unconscious and began my narco test. Since I was only partially unconscious, I could understand all her questions. She asked me who all were locked up in cells adjacent to mine. I knew only two names: Sajid and Abdul Wahid. So, I told her those names. She had a pliers in her hand and she started crushing my ear with it. My ear started bleeding and I had a severe pain in the ear. She told me some names first and then she repeated the question. When I repeated the same names, she stopped the torture. She subjected me to this weird torture and made me utter the words of her choice. This test went on for one and a half hour. When I regained full consciousness, the doctor told me that the test was incomplete and I would have to come again the next day. The next day I was again made to suffer this test and torture with pliers. Then they brought me back to Mumbai.

Tampering with narco CD

On 21 October 2006, in the night, ACP Tawde took me to ATS unit Kalachowki. Inspectors Sunil Deshmukh and Tajne told me that I had revealed everything in my narco. Then they showed me the CD of my nacro. As soon as I saw the CD on computer and I told them that the CD had been tampered with. I told them that I was not at all asked these questions. Deshmukh got angry at me and retorted saying: "Don't apply your mind. You do not have the luxury of defending yourself." With this he picked up a belt and started beating me with it on my head, hurling abuses at the same time. They subjected me to third-degree torture and after they were done torturing me, they took me out of the room and brought in another person and inflicted the same torture on him. I could clearly hear his screams. After 15-20 minutes they took me in. Inside the torture room I saw officer Khanvilkar torturing Sajid, who was stripped naked and was badly wounded from torture. Khanvilkar threatened me saying: "You too shall be reduced to the same condition."

Police forge fake witnesses

On 22 October 2006, Alaknure came to me and said I would be taken to a DCP and I will have to sign some papers there. He threatened me that if I refused to do so, I would have to bear grievous consequences and my parents and my family members too would be harassed. That same day in the evening, I was taken to Chandan Chowki ATS unit. Inspectors Khanvilkar, Sachin Kadam, *hawaldars* Akash, Avinash and Sangram took me there. The witness Muhammad Alam Qureshi was sitting there. I was made to stand before a table. Alam and Khanvilkar were also there. We had this conversation:

Khanvilkar: "Why had you been to China for three months?"

Alam: "My brother stays there. I had been there for business purposes."

Khanvilkar: "What proof do you have that you had been to China?"

Alam: "Sir, my passport and my mobile. Officer Dinesh Kadam has taken both these away from me."

Khanvilkar: "You are accusing our officer now? (He asked a *hawaldar* to bring a belt and started beating him.)

Alam: (Crying) "Sir, I am telling the truth. I was in China."

Khanvilkar: "Stop your nonsense. If you utter the word China again from your mouth, we will bring your elder sister from Mira Road and all police officers and *hawaldars* will gang-rape her."

Alam: "Sir, have some mercy on me. Please don't do any such thing."

Khanvilkar: "We will definitely do so and no judge, no court, no power, no son of a gun can stop us from doing so. Nobody can so much as lift a finger against us!"

Alam: "Sir! I will do whatever you want me to."

Khanvilkar gestured to a *hawaldar* to take me out. I was brought out and after 5-10 minutes I was again taken inside the torture room.

Khanvilkar: (Asking Alam) "So? What do you say now?"

Alam: "Sir, I had never been to China. When Naveed had called me, I was in Hyderabad with a girl."

Alam gave in to the torture and pressure and agreed to change his statement according to the ATS desire.

Raghuvanshi's offer to become an approver

Then they took me to ATS Nagpada. Khanvilkar informed me that he was taking me to the ATS chief. After waiting for 15-20 minutes, I was taken into a chamber where the then police commissioner of Mumbai AN Roy, ATS chief Raghuvanshi, DCP Naval Bajaj, Jai Jeet Singh, SK Jaiswal, Javed Shaikh and the special public prosecutor Raja Thakare were present.

Naval Bajaj: "Come in Naveed."

Me (Naveed): (said nothing)

Naval Bajaj: "You are an educated person. How come you got entangled in this case?"

Me: (said nothing out of fear.)

Raghuvanshi: "Don't be scared. Consider us your well-wisher."

Me: (Quiet)

Raghuvanshi: "If you wish to talk to me privately, I can send all other out."

Me: (nodded my head in approval)

Raghuvanshi: (asked Tajne) "Take off his handcuffs and go out for a while." (Tajne uncuffed me and went out.)

Raghuvanshi: "If you do as we say, you will be released soon."

Me: (looking at Raghuvanshi in fear and disbelief) "I did not get you, Sir."

Raghuvanshi: "Work for us. Become an approver."

Me: (Silent)

Raghuvanshi: "There is benefit for you in it. We will release you and give you compensation. We will also give you police protection and we will settle you wherever you want to. We will offer you money for business, as much as you want."

Naveed: (Silent)

Raghuvanshi: "It is a good deal. Think over it."

Then I was taken to Kalachowki.

How my confession was recorded

On 23 October 2006, Khanvilkar came to me and told me that they would be taking me to a DCP and I would have to sign some

papers there. If I refused to sign the papers, I would have to be ready to face grievous consequences. He introduced me to officer Shilke and told me that he would be taking me to the DCP. Then they took me to DCP Brijesh Singh. He was not there. He was out on duty. Then they took me to the lockup of Azad Maidan police station. On 25 October 2006, they again took me to the DCP. This time they made me sit in a small room outside his office. I was made to sit there late till 9:30 pm. Officer Shilke went into the DCP office and took me in after some time. He asked me to sign on papers. I did. They brought me out. After some time Shilke again took me into the office and asked me to put a previous date, 23 October, instead on 25 and sign. I did so. Then they brought me back to the lockup and at about 11:30 pm in the night. I was taken to a magistrate. ATS *hawaldar* Jadhav gave the magistrate an envelope and the magistrate asked them to take me out. At that particular time, I was totally unaware as to why and before whom I was being produced. The magistrate did not ask me anything. That same night I was brought to Bhoiwada and again at 1:30 am I was taken to Kalachowki.

Recording must look natural

As soon as I reached Kalachowki, Sachin Kadam came to me and told me that I would have to narrate a story before the camera. I complied. But when we did the recording, I was too scared. So, the officer told me that the recording was not proper and I would have to re-narrate the story. He cautioned me that the recording must look natural this time. On 6 October 2006, Sachin Kadam came to me and told me that I would be taken to a judge and that I must not complain against the ATS. If ever I committed the mistake of doing so, my brother would also be implicated in this case and my parents would be harassed. Then KP Raghuvanshi came to me there and he called me into his office. He reminded me about the offer he had made me on 22 October 2006. He asked me to consider its benefits, the monetary gains, the settled life and the police protection. After me two more accused, Muhammad Ali and Sajid were taken into Raghuvanshi's office. Then the ATS officers took me to the court and produced me before the lady judge. The officer with me threatened me not to say a word against them to the judge, because they had the power to take me again in police

custody and torture me endlessly. I was terrorised by the thought of further custody, so I did not complain against the ATS to the judge.

Raghuvanshi makes offer again in jail

On 26 October 2006, Muhammad Ali, Sajid, Wahid Shaikh, Muhammad Majid and I were sent to the Byculla jail. The jail Superintendent corresponded with the court and informed them that there was no high-security cell in his prison. So, the accused be sent to the Arthur Road jail. Then, on 27 October 2006, all five accused were transferred to the Arthur Road jail. At the Arthur Road jail, we were lodged in the senior citizens' barracks where as the previously brought co-accused were locked in high-security *anda*-cell. On 28 October 2006, Raghuvanshi came to the jail to see me. I was called to superintendent Swathi Sathe's office where Raghuvanshi was already seated.

Raghuvanshi: "Naveed, you remember my offer, right?"

Me: (Silent)

Raghuvanshi: "The one I had made you on 22 October 2006, in police custody, my offer for you to become an approver."

Me: (Silent)

Raghuvanshi: "If you agree to my terms, I will give any amount you say. The money shall be delivered to whomever you want us to deliver."

Me: (Simply standing there without any greed for money or anything)

Raghuvanshi: "If you wish we will thoroughly help you in starting a business of your choice, wherever you want."

Me: (Silent)

Raghuvanshi: "If you wish to settle anywhere in the country or outside the country, we will make all the arrangements."

Me: "But, Sir..."

Raghuvanshi: "Don't worry about anything. Trust my words. This amount will be given to you by the Government of India. If the government won't give the money, we will give it from our own."

Me: "But..."

Raghuvanshi: "We cannot give anything in writing, but I give you my "word". *"Praan jae par vachan na jaae!"* (I can give up my life, but cannot betray my words)"
Sathe: "It is better to accept their offer. You will be saved from rotting in this prison."
Naveed: (Silent)
Sathe: "Don't say anything about this in court. All of this was only for your benefit."

After the conversation I was brought out and they took Muhammad Ali and Muhammad Sajid in. Raghuvanshi made them also a similar offer.

Continuous pressure to turn approver

After being sent to jail I came to know that the ATS had submitted false confession to the court in my name. The signatures they had taken on some plain papers were actually converted into a confession document. So, I submitted a complaint on 9 November 2006, through my advocate Shahid Azmi. The ATS officers would continuously visit jail and pressurise me to become an approver. On 6 November 2006, Khanvilkar and Sachin Kadam came and met me again in Sathe's office. Khanvilkar admitted before me: "We can no more torture you nor do you any harm, but we can only make you an open offer on behalf of our higher officers." He reminded me of Raghuvanshi's offer. He threatened: "Do not say anything against us in the court on 9 November 2006. Anyway, the judge is not in a mood to listen to you. We will come again tomorrow to see you." They both left with these words.

On 9 November 2006, Sachin Kadam again came to meet me in the jail. He cautioned me: "Do not to complain against us to the judge. If you have a complaint, then at least don't complain on this date. Save it for the next date in court." Sathe also threatened me: "Nobody has troubled you in jail so far. If you do not accept the ATS offer, you will face the consequences of refusal. If you have anything to complain against me, then don't do it on this date, just postpone it for the next one." Then they took me to the court in a Qualis. ATS *hawaldar* Mahesh Bagwe was with me in the jeep. He was wearing the police uniform. He told me that he had quit ATS and joined the "guard's duty". He again reminded me of the ATS offer and told me that I would be out of jail in just about 15 days

and would be in contact with and protection of the police. When I reached the court, I complained about all these things in the court.

Confession CD in media

Despite this complaint, the ATS officers would visit me in jail once in a week or fortnight and pressurise me to become an approver. On 21 May 2007, my advocate Shahid Azmi submitted a complaint to the court against all these officers. The ATS sold the CD of my confession recorded by Sachin Kadam to the media. On 11 July 2007, Aaj Tak news channel telecast the CD of my confession. After Shahid Azmi was martyred, my next advocate, Prakash Shetty, submitted a complaint against the telecast of CD. On 11 July 2007, *Mumbai Mirror* published a report regarding this CD. Needless to mention that the confession was a false one extracted and recorded under pressure by the ATS.

I have not committed any crime

I have been falsely implicated in this case. I am innocent and have no hand in this case whatsoever. I have submitted two CDs to the court and I rely on them for my defence. One CD shows how Sadiq Israr Shaikh confesses to have committed the 7/11 blasts and owns the responsibility. The second CD contains a letter by ATS officers accusing their own agency of falsely implicating 13 innocents. I request this court to pass the verdict only after taking a look at both these CDs. (But the court declared its final verdict without looking at the content of the CDs.)

Cross-questioning

I do talk to my co-accused in jail. My mobile number 9866776114, was in use till my arrest. I have submitted all documents regarding the details of my job and my duty timings. The court has taken everything on record. I decided to make a statement on oath before the court because I was innocent. It is not true that my statement on oath is entirely based on mere rejection and that there is no positive evidence to establish my innocence. I have not consulted my co-accused regarding how best to make a statement on oath.

None of my co-accused have incited me to make a statement on oath. I have done it out of my own desire.

Faisal and I did not go to beer bar

I do not have a passport. However, I do possess a driving licence and a ration card. I had maintained a diary in which I had maintained notes of all that I had gone through right from my arrest till today. I have not shown these notes to any of my co-accused. It is true that my CDR has been submitted in the court, which has calls from Muhammad Alam Qureshi's number, 9892312244. I know him since 1999. I did meet him quite a few times but our acquaintanceship was not much. I was not in touch with him. He had just called me on his return from China. It is not true that Alam Qureshi is a friend of Faisal and mine. It is not true that I used to meet Faisal in a beer bar or a disco bar and was in contact with him regarding the 7/11 conspiracy.

Not allowed to meet parents in police custody

It is not true that I stay at Mira Road and accused Muzzammil and Faisal stay near my house. It is not true that Sajid, Ehtesham and Asif were in constant touch with me since they too stayed in the same locality. My parents would come to meet me when I was in Nagpur jail. During my police custody I was not allowed to meet anyone, not even my parents. When I was produced in court, I did not have any advocate to represent me. I have full faith in this court and the judicial system of our country.

I have not planted any bomb

I do not know what a lie-detector test is. When the police wish to implicate an innocent, they subject him to a narco test. It is not true that I am following some Al-Qaida Manual, and accordingly accusing the police of torture. All of the following are not true: that I was an important member in the conspiracy of this case, that I have fulfilled my role in the blasts, that I transported bags carrying bombs from Muhammad Ali's house at Govandi to Faisal's at Bandra, that I helped in finding the Maruti car in which the bombs were transported, that I made this confession out of my own desire, that I was the bomb planter who had planted bombs in

Borivali passenger local train, that I have complained against the ATS and police at the behest of my co-accused. It is not true that I had lied that I was in Hyderabad from 8 to 11 July 2006.

Analysis of Naveed Khan's statement

It has been on record that Naveed had told the court on the very first day that he was innocent and the judge noted down his statement. Despite this Naveed Khan was sent in police custody and then sent to jail under serious allegations. Apparently, it seems as if it is of no use telling the court regarding our innocence on the very first day, but it is not so. This very statement of Naveed is on record and even to this day serving him in defending himself. It will not be easy for the judge to ignore this statement while passing the final verdict. He/she will be forced to ponder over the matters as to why a person is declaring his innocence before and after the police custody and why is he abruptly confessing his crimes only during custody? The only explanation to such flip-flops is that he is saying such things in police custody only under pressure.

Despite repeated torture and continuous offers by the police, Naveed did not agree to turn approver. He stood with the truth. He chose to endure imprisonment of 11 long years instead of the money, luxury and police protection. It takes a lot of courage to do that. Even to this day, Naveed is languishing in Nagpur jail and is hoping that he, being innocent, will be released someday soon.

Accused no. 13 : Asif Khan

I am a peaceful and law-abiding citizen. I belong to a respectable and educated family from Jalgaon. I stay with my aged mother, my wife, my children, my younger brother and his children. In 2011 my father passed away. He had taken a lot of pains to get us both brothers educated. I completed my education till SSC in Urdu and then I took up a diploma in civil engineering. My brother completed

his bachelors in engineering and earned his graduation. From 1992 I started working in various companies to support my family. I got married in 1996.

Memorandum against DCP Naval Bajaj

There is a colony located in the prime location of Jalgaon town called Khwaja Nagar. The then MLA, Suresh Dada Jain who was also a builder, conspired with additional SP Naval Bajaj to demolish the locality for their ambitious projects. On 1 September 1999, the police resorted to fire on the public in which one of my relatives was killed. My family and I submitted a memorandum to SP Bhupinder Singh complaining that the firing was illegal and was done in order to force the residents to evacuate. Naval Bajaj called me to his office and threatened me to take back the memorandum or else he would ruin my life. I told him the person killed in the firing was my relative and that was why I had requested an enquiry. I did not get intimidated by his threats, went ahead, and submitted a copy of memorandum to the BJP leader Eknath Khadse so that he could build some political pressure.

Arrested in false case at the behest of Naval Bajaj

On 17 September 1999, *hawaldar* Mahajan came to my home at night and said:

Mahajan: "Are you Mr. Asif Khan?"

Me (Asif Khan): "Yes, what is the matter?"

Mahajan: "Inspector Jamdade from Bazar Peth police station, Bhusawal, has called you."

Me: "What do I have to do with Bhusawal? Why would the police inspector call me there?"

Mahajan: "I am asking you nicely to come with me. Or else, I will have to arrest you."

Me: "Don't create a scene here, my parents are panicking. I will come with you."

He then took me to the police station. Inspector Jamdade was there. He asked me regarding my name, address, profession and activities. I asked him:

Me: "Why have I been brought here?"

Jamdade: "What is it between you and Naval Bajaj? What is your problem with him?"

Me: "One of my relatives was killed in a firing in Jalgaon. I had submitted a memorandum asking for a judicial enquiry into the matter. That is why he is miffed with me."

Jamdade: "What is your relation with SIMI?"

Me: "I don't know anything about SIMI."

Jamdade: "Are you a member of SIMI?"

Me: "No!"

Jamdade: "We are under pressure from Naval Bajaj Sir to implicate you in a false case!"

Me: "But I have done nothing wrong."

Jamdade: "See, I am helpless here. I will have to obey Naval Bajaj's order and register a false case against you. This is the last year of my service. I cannot refuse to obey the orders of my higher officers."

Me: "This is injustice!"

Jamdade: "You do one thing. Meet the ACP and get this settled or else you will get entangled in one case after another."

Me: "Is there any law here or not?"

Jamdade: "You don't know the police well enough. Once they catch a bicycle thief, they pile all unsolved cases on him."

Me: "But I am not a thief!"

Jamdade: "Yes you are not. But once your name is on record, the police will make your life hell."

Jamdade: "I am helpless right now. I am arresting you and registering a case against you. If the ACP asks me, I will take back the case against you."

He then arrested me and the next day I was released on bail. I met SP Bhupinder Singh with my family and complained to him how Naval Bajaj had made a false case against me only because I had submitted a memorandum against him. He called Jamdade and confirmed the matter. When he was certain that the case was false, he asked me to be "discharged under Section 169". Accordingly, Jamdade discharged me from the case.

During November 1999 I met NCP leader Ishwar Lal Jain and submitted a memorandum demanding a judicial enquiry into the firing incident.

Arrested in another false case

On 3 September 1999, assistant police inspector Tare came to me in the evening and asked me to go with him to the police station. I went with him to the station. He noted down my name, address, profession and further details and then asked me what was my connection with SIMI. I told him: "None, I don't even know what SIMI is." He said he has been ordered by ACP Naval Bajaj to arrest me in a case (CR No. 178/99). I told him I was innocent and I had no connection with any crime whatsoever. He asked me what was my problem with Naval Bajaj. He told me that Naval Bajaj was constantly calling him. I told him about the firing incident and memorandum *etc*. He arrested me under pressure and the next day I was released on bail.

Another demand for judicial enquiry into firing incident

The residents of Khwaja Nagar did not evacuate the area. Suresh Dada Jain and Naval Bajaj again opened fire on the residents in which three persons were killed. The Congress MLA visited the locality. The residents of Khwaja Nagar and I once again raised the demand for judicial enquiry. Ultimately, the government appointed Judge Joshi for the enquiry.

Released after enquiry

On 12 August 2001, *hawaldar* Nikam came to my house and told me that, I had been called to the police station. I went there the next day, on 13 August 2001. Police inspector Subhash Patel (LCB, Jalgaon) and Saranga Awhad were there. I asked them: "Why have I been repeatedly called to the police station while I am busy with my duty?" He said: "We have arrested some men in a case. Amongst them, there is a person named Shakeel Khan." I told him there was a co-accused with me in the fake case I was implicated in and I learnt about it when I was given the chargesheet. I told them I had no concern with SIMI. I also told them that I visited court regularly in the old case. They produced before me 10-12 men they had arrested and asked me if I knew them. I told them I did not know any of them, nor did they recognise me. Then they recorded my statement in detail. After thorough enquiry they found that I was in no way connected with the case. They let me go and told

me that I would have to report the next day and meet inspector Tare. I returned home in the evening and calmed my panicked parents.

On 14 August 2001, I again went to Awhad's office. Inspectors Patel and Tare were present there. They were in civil dress. They recorded my statement again. I told them that inspector Tare had implicated me for the first time in a false case. When the other officers asked him, he admitted that a false case was registered on Naval Bajaj's order. They asked me whether I had attended any of the SIMI programmes ever. I said: "No." He asked me to go with inspector Patel and meet SP Kulwant Kumar. Accordingly, I went with Patel and found Naval Bajaj sitting there. Patel informed the SP: "Sir, Shakeel Khan arrested in this case. Asif was a co-accused with this Shakeel in a previous case. Accordingly, we had called Asif Khan for an enquiry. We have enquired thoroughly into his role in this case and have found nothing." Naval Bajaj threatened me not to meet Shakeel nor hire an advocate for him or else they would implicate me too. I told him that I did not even know who Shakeel Khan was, so the question of me meeting him did not rise. Then they released me saying: "You should go home and take care of your parents." I came home and continued with my normal routine.

Shifted to Mumbai for job

On 1 October 2002, my daughter was born. My financial expenses hiked suddenly. I contacted my friend Arvind Shah and asked him to find me a good job as he was already in Mumbai. He told me there was a vacancy in his company. I came to Mira Road, Mumbai and appeared for the interview. I was successful in procuring the job. I also finalised a flat on rent and returned to Jalgaon. I reached home and informed my parents about my new job and flat. My father was suffering from cancer. I resigned from my job in Jalgaon and came to Mira Road and started working in Khalid and Associates Construction Company. I made an agreement of 11 months for the flat according to the law. After 11 months the agreement was further extended for the same duration. My father's condition was very serious. I requested my brother to let me take father with me to Mumbai, but he refused. I did my job on a regular basis and kept visiting my parents off and on.

Job in Lokhandwala construction company

In February 2006, I saw an advertisement in the *Times of India* of Lokhandwala Construction Company. I applied for the job. I appeared for the interview and was selected. I was registered as employee number 7764. All employees, including me, would sign the attendance muster in the morning to enter and in the evening to exit the premises. I would work in the Lokhandwala Company in the morning from till evening, 9 am to 6:30 pm. I had a friend near my house, Shaikh Muhammad Ayyub, with whom I used to be in contact through my Airtel mobile number 9867209894. He had a business of repairing and selling mobiles. My mobile used to be always with me at my home and my office. I would make and receive calls on it. From April to July 2006, I would go to my office at Kandivali from my home at Mira Road. I had never been to Shivaji Nagar Govandi during this period.

Where was I on the day of the blasts?

On 8 July 2006, at 9 am in the morning, I left my home at Mira Road for my Kandivali office and worked at the office for the whole day. I returned home at 6:30 pm in the evening. The next day, on 9 July 2006, was a Sunday. So, I was at home the whole day. I did not go to Govandi during these days. On 10 July 2006, I was at work similarly. All these days, I had my mobile with me and it was switched on, and with it I received and made calls.

On 11 July 2006, as usual I left for my office at 8 am in the morning. My mobile was with me all the time on which I received and made calls. When I reached Lokhandwala Complex, the Security Guard Ram Singh and the register-keeper Sandeep Patil gave me the muster. I signed in the register and entered the time 9:05 am. I worked there till lunch, then had my lunch in the break and continued my work at the office. At 4:30 pm, my colleague ST Deshpande called me and informed me that he and the manager were visiting the Kandivali branch. They arrived at 5 pm and we had a meeting. I too attended the meeting and it went on till 6:15 pm. I finished my work and left the office with one of my colleagues, Santosh Gosai. I entered the exit time in the muster as 6:35 pm. We both came out and had some snacks. At about 6:45 pm we went to the nearby auto-rickshaw stand to catch an auto for home. There I was informed by Gosai that there had been

blasts in the Western Railways. I was saddened to hear the news and I told my friend that I condemned such acts of terror. We finally got into an auto-rickshaw. The auto driver told us that the traffic jam was increasing. I received a message on my mobile from my service provider which said: "There have been blasts in the local trains, but you do not need to panic and need to stay calm." We then reached Thakur Complex Kandivali (East). I told my friend that I would catch a bus for home so I got down on the highway. He too caught a bus towards Dadar. The bus was moving slowly due to heavy traffic. When the bus reached Dahisar I got a call from home. After much difficulty I finally reached home at 9:15 pm. At 10 pm in the night I got a call from Contractor Kale. He was concerned if I was fine since there was a big blast at Mira Road too. I informed him I was fine. He again called me after some time and I told him that was saddened seeing the news on TV. I said I was pained to see the injured and I would not be reporting for work tomorrow.

My routine after the blast

On 12 July 2006, when I got up in the morning, I came to know that the trains were not running. I called ST Deshpande and informed him that the trains were not running and it would be difficult to reach office by bus. "Also," I said: "My family has also panicked over the blasts." I excused myself from going for the job for the day. I was at my home the whole day and did not go to Carter Road, Bandra on 11 and 12 July 2006. From 13 July, I began my normal routine. I was in touch with my friend Muhammad Ayyub on those days and he would recharge my mobile when needed.

Abducted from Belgaum

On 19 July 2006, I came to know that my mother had suffered a severe heart attack. So, I went to Jalgaon with my family. I got her admitted to Dr. Choudhari's hospital and got busy taking care of her. I had informed Gosai about the matter and had told him I would not be able to attend to the job. I stayed in Jalgaon as long as my mother did not recover. Once she recovered, I went to Belgaum with my family for some recreation and stayed at a friend's home.

On 1 October 2006, the ATS caught my brother and enquired about my whereabouts. He told them I had been to Belgaum with my parents and my family. My brother accompanied them to Belgaum and showed them the exact address. On 2 or 3 October midnight, Kandharkar and his staff stormed into the Hasan Cottage, where I was staying. I saw my brother with them who looked terrorised. I had this conversation with the police:

Me: "Why have you people brought my brother like this here?"
Kandharkar: "We have orders from Naval Bajaj."
Me: "What orders?"
Kandharkar: "To arrest you at any cost and produce you before him."
Me: "I have not committed any crime. Why am I being arrested like this?"
Kandharkar: "We don't know anything about that."
Me: "What if I don't go with you?"
Kandharkar: "We will abduct your mother and your wife."
Me: "You don't have any respect for women?"
Kandharkar: "We do not have any respect for Muslim women."
Me: "This is totally wrong."
Kandharkar: "Whatever you want to say, say it to Naval Bajaj."

Then they took me into their vehicle and started thrashing me. Kandharkar called Naval Bajaj and said: Saheb, we found your scapegoat (*bali ka bakra*)."

Illegal checking at my home

I was taken to Chandan Chowki, Mumbai, and produced before PI Sunil Deshmukh. He interrogated me in detail. I asked him as to why I was arrested? He said Naval Bajaj would answer this question. He asked me to accompany him to Mira Road so they could search my home. He asked me if I had key to the flat. I said: "Yes." He then took me to my home in a green Bolero numbered MH01-BA-4255. He asked me to show the agent's office through whom I had got the flat. I showed them his office. The agent's name was Muhammad Zaheer. They brought Zaheer and asked if he knew me. He recognised me, told them my name and that he had given me a flat on rent. Deshmukh asked Zaheer who the owner of flat was. He said the owner stayed in Mumbai Central. He asked if he had the agreement copy. Zaheer gave him a copy of

the agreement. The police then took me to the flat and I opened the door with the key I had. The police searched the flat thoroughly. They did not find anything illegal or objectionable. They found nothing other than utensils and clothes. We all came out of the flat and I locked it. Then they took me to Nagpada and produced me before Naval Bajaj.

Naval Bajaj: (Mockingly) "Do you recognise me?"

Me: "I know you since you were in Jalgaon."

Naval Bajaj: "You have not forgotten me till now? I have got you arrested previously and now I will ruin your whole life."

With this he asked the staff to take me out.

"Show sensational recovery from his home"

Deshmukh brought me to Kalachowki from there and produced me before ACP Tawde.

Deshmukh: "Sir, this is Asif Khan. The one we arrested on Naval Bajaj's orders."

Tawde: "What did you do with him the whole day?"

Deshmukh: "We tortured him earlier in the day and later searched his home."

Tawde: "What did you find at his home?"

Deshmukh: "Nothing, Sir."

Tawde: "Nothing? You have arrested him in such a major case, would it look fine to take him to court without showing any recovery from his home?"

Deshmukh: "Sir, I understood what to do!"

Tawde: "You did not understand anything (Turning to the *hawaldar*) Go and tell Tajne *sahab* to show some sensational recovery from his home in a few days."

Me: "Sir, I am innocent."

Tawde: "Shut up. Deshmukh, take him to his workplace"

Me: "Sir, I work at Kurla, Mira Road and Kandivali."

Deshmukh then took me in his jeep and took me to Kurla and from there he took me to Vikhroli unit. Deshmukh was discussing with the staff as to how to invent fake witnesses against me. He asked his staff to look for men who could act as false witnesses in this case. He ordered them to plant cheats and frauds as witnesses. He

asked them to meet officer Tajne in this regard. He then brought me back to Kalachowki and began torturing me.

The prosecution has produced the log book of vehicle MH-01-BA-4255 to the court which confirms that on 3 October 2006, the vehicle had been to Chandan Chowki to Mira Road, to ATS Nagpada, to Kalachowki to Vikhroli unit and back to Chandan Chowki. The log book also bears the signatures of officer Deshmukh. I rely on this log book for evidence which confirms that the aforementioned incident did indeed happen with me.

Threatened before being produced in court

Inspector Tonpi showed me 15 passport-size photos at Chandan Chowki and asked me to recognise them. I told him I did not recognise anyone. (I later came to know that they were photos of the accused 1-12 in 7/11 case and the other three were of the accused discharged from this case.) Irritated by my answers, he snatched the photos and asked me to tell him about myself from birth till date. He recorded my statement for two and a half hours. I was then handcuffed.

On 4 October 2006, Deshmukh came to me and said: "Now they will take you to court and you will have to keep your mouth shut in the court. Or else, we will implicate your brother and your family in the case." I told him I was innocent and I did not know anyone. He said: "Don't talk much or else they will implicate you in Malegaon blasts case too." He then took me to Bhoiwada ATS office and produced me before ACP Patil. Patil took me to court and got me in police custody till 13 October 2006.

MCOCA imposed

ACP Patil and Sunil Deshmukh took me to Nagpada ATS office from court and produced me before KP Raghuvanshi, SK Jaiswal and Naval Bajaj. We had this conversation:

Raghuvanshi: "What is your name?"

Me: "Asif Bashir Khan, Sir. I am innocent."

Raghuvanshi: (In a mocking tone) "I know that already. Tell me something new."

Me: "Sir, I am in no way involved in this case. Yet I have been implicated falsely."

Raghuvanshi: "Why are you being implicated? Do you know that?"

Me: "I don't know, Sir!"
Raghuvanshi: "We need to get MCOCA imposed in this case and to get that done we need to implicate you in this case."
Me: "Sir, please save me."
Raghuvanshi: "There is only one person who can save you now. Yourself. If you want to get released from this case at the earliest, then become an approver for us."
Me: (I burst into tears and said) Sir, I have no role in this case. Please spare me."
Naval Bajaj: "Asif, just agree to what the higher officers are saying. Or else, you know. No one can even touch us."
Me: (Crying continuously)...
Naval Bajaj: "Don't you remember how I had opened fire in Jalgaon on the public and killed them. You had submitted a memorandum against me. What happened? Nobody even asked me."
Me: "You have been troubling me since long."
Naval Bajaj: "And this will continue till you are hanged to death."
Me: "You cannot escape from the law." (Hearing my words, all burst into sinister laughter.)
Me: "Your partner is in Jalgaon jail nowadays, for a scam."

Jaiswal told Deshmukh to take me away and torture me so terribly that I agreed to become an approver. Then they brought me to Chandan Chowki, stripped me naked and began beating me. They were beating me with a flour mill belt, which had written on it *"meri aawaaz suno"* (listen to my [voice] screams, there is an old Bollywood film/song by this name as well). I lost consciousness due to pain and I was hurt so badly that I passed blood in my urine. They would keep asking me repeatedly if I was ready to become an approver? When I would say "no", they would again start torturing me and inflicting more pain.

Deshmukh and his staff tortured me with such brutality that I was unable to even walk. I would plead with them to have mercy and they would beat me more brutally.
Me (Asif): "Sir, please give me some medicine. I am in severe pain."
Deshmukh: "You are not dying. Are you?"
Me: "I cannot bear the pain, Sir."

Deshmukh: "Don't worry. You will not die if you don't get medicine. If you come close to dying, we will get you medicines and save you."
Me: (crying) "Sir, I am feeling dizzy, my head is going to explode and I needed medicines."
Deshmukh: "Stop this drama and call your brother, or else I will torture you more."
Me: "Don't hurt me anymore, please."
Deshmukh: "Tell me your home number."
Me: "025722633039."
Deshmukh: "Call your brother and ask him to get here the file you had prepared against Naval Bajaj, Sir."
Me: (I called home. The phone rang:) "Aziz... It is me Asif, your brother."
Deshmukh: "Brother, how are you?"
Me: "The ATS people are asking Naval Bajaj's file. You take that file and come here."
Deshmukh: (snatching away the phone from me) "Aziz, heard your brother's voice? Take that file and bring it to Mumbai on 13 October. We will release your brother on that day."

He then recorded my statement elaborately.

Torture to turn me approver

On 5 October 2006, inspectors Tonpi and Sunil Deshmukh came to me at 9 am in the morning and asked me if I was ready to become an approver? When I refused, they stripped me naked and tortured me brutally. They kept threatening that they would implicate me in Malegaon blasts case just like they did in this case. They brought a machine and gave electric shocks to my genitals. I fainted due to the torture. They brought me back to consciousness and recorded my statement again. On 6 October, at 11 am, they again asked me the same question and I gave them the same answer. They again inflicted third-degree torture on me. The same thing continued on 7 and 8 October. They asked me to narrate a fake confession on camera. I refused to do so. They again subjected me to third-degree torture.

My colleagues and company testify to my innocence

On 9 October 2006, Tonpi and Deshmukh came to me and asked me about the companies I had worked in. After some time, Kandharkar brought Mr. Shetty from my Lokhandwala company there. Seeing me in such a pathetic condition he was infuriated. Mr. Shetty shouted at the police: "Why have you arrested him?" Deshmukh tried calming him down that it was a normal enquiry and I would be left after sometime. Shetty showed them all original documents regarding my job at the company. They collected all documents and recorded his statement. Shetty also submitted the attendance register, which showed my presence in the office from 9:05 am to 6:25 pm along with my signature. He told them I was with him on the day of blasts till 6:15 pm. Then one of my colleagues ST Deshpande came and he recognised me as the engineer working in the same company. Deshpande too informed them that I was with them in the office till 6:15 pm on the day of blasts. He told them that there was no complaint against me in the company and that they had arrested me without any reason. Deshmukh gave him the same assurance that I would be released after enquiry. He then recorded his statement in detail. In a while my friend Santosh Gosai was brought in. He narrated in detail he and I were together on the day of blasts. Deshmukh again recorded my statement. I told him I was innocent. I said I was in no way related to the case and I did not know any of the accused in this case. The ATS submitted my statement to the court. On the same day, at about 12 am in the night, they subjected me to narco test illegally. During the test, Deshmukh asked me to repeat his sentences. When I refused to do so, they tortured me in my subconscious condition. I again fell unconscious. I regained consciousness at about 3 am in the morning. I was in pain and totally shattered.

Torture to get signature on fake *panchnama*

On 10 October 2006, Tonpi told me that he was taking me to Kalachowki.

Tonpi: "You will have to sign some papers there."

Me: "What papers?"

Tonpi: "Papers of *panchnama*."

When we reached there, Tajne handed me some papers and said:

"Sign on them."
Me: "I will not sign the papers because I do not know what is written on them."
Tawde: "If you do not sign the papers, we will implicate your family in Malegaon blasts case."
Me: (Silent. Looking at them in fear)
Tawde: "He won't listen nicely. He needs to be beaten."

Then they started beating me with a flour mill belt on which it was written "blind law" (*andha qanoon*).

After sometime Sachin Kadam came there with four people, of whom three were men and one woman. He asked them if they knew me. They said: "No." He asked them to take a proper look at me and memorise my face because they would have to bear false witness against me. I was startled by what was happening. I said I too did not recognise them. I asked why were they making strangers recognise me? I later came to know that they were supposed to make false witness statements against me in court. Sachin Kadam recorded their statements and sent them away.

Then Tajne and Sachin Kadam began pressurising me to sign on these false papers. They tried to deceive me saying, they are only simple *panchnamas* and even if I signed them, they won't be used against me. I refused to sign and said when I had not committed any crime, why on earth should I sign a false *panchnama*? They tortured me throughout the night and did not let me sleep. They came back the next day on 11 October 2006. This time officer Shelke was also with them. They asked me the same question and I again refused to sign the papers. Tajne threatened to kill me in a fake encounter. I did not budge and still refused to sign. Frustrated, they subjected me to third-degree torture. I fell unconscious. The next day, on 12 October 2006, they asked me to sign the papers and I refused. They inserted soyabean oil in my anus. I was unable to bear the pain and fell unconscious.

Helpless: at last, I sign

On 13 October 2006, Tajne and Sachin Kadam came to me and tried fooling me that if I signed the papers, they would submit them in the court and would release me. I still refused to sign. They threatened to implicate my family in Malegaon blasts case. Sachin Kadam took me to Bhoiwada from there and produced me before

ACP Patil saying I had not signed the *panchnama* papers yet. Patil slapped me on my face and threatened me not to complain against them to the court. Then they brought me to court. I saw my brother outside the court hall. He was holding a file in his hand. Sachin Kadam asked him to come to Kalachowki if he wanted to meet me. I did not say anything in the court against the ATS due to fear, though I wanted to. They got my police custody extended till 26 October 2006 and brought me to Kalachowki. There they again pressurised me to sign the papers. Sachin Kadam called my brother into the cell, took the file from him and started beating him. When I objected to this, they stripped me naked and started inflicting third-degree torture on me. They tortured both brothers for hours to make me sign the papers without reading them. They then told me that if I signed the papers, they would let my brother go. I was constrained and helpless. At last, I agreed to sign the papers. They released my brother. When I became certain that my brother had been released, I signed the papers where they asked me to. They asked me to enter a wrong date, 9 October 2006, on them. I signed on two papers and entered the wrong date as they wanted. I did not know what was written on these papers. When I got the chargesheet I came to know that it was the recovery *panchnama*, which was false. As soon as I signed the papers, Sachin Kadam kicked brutally on my back and I fell on the floor unconscious.

This torture is in the nation's interest

The next day, on 14 October 2006, when I woke up, I had high fever and my condition was pathetic. The ATS men took me to a hospital. I told the doctor that I have been tortured severely. The marks were clearly visible on my body. The doctor asked the officers regarding the matter. The officers told him that it was a matter of "national security". So, he should not take down any complaint by the patient. The doctor simply entered my name on the OPD papers and tried taking my thumb impression on them. I refused to give my thumb impression because he had not noted down my complaint. The doctor then admitted me and put me on saline and injection. An ATS officer asked the doctor not to make any medical record of the admission and treatment.

Biggest evidence of my innocence: CDR

I was then taken to Kalachowki where Tajne told them that they had done their job and I would be sent back to Bhoiwada. I was then produced before ACP Patil. Patil asked Wadke and Bagwe to interrogate me thoroughly. They asked me my mobile number. I gave it to them. They asked me to wait for the day and they would get my complete CDR tomorrow. The next day, on 15 October 2006, at 8 am, they called me. Wadke had a file that contained CDR papers of my mobile number (9867209894). He then took out a set of papers and gave it to me. I saw the papers and found that it was complete data of my calls along with locations. Most of the numbers were of my friends, colleagues and my relatives. Then they asked me to tell in detail as to where I was on 8, 9 and 10 of July 2006 and what I was doing? I told them that I was at Mira Road and Kandivali, Lokhandwala Complex. They cross-checked it with the CDR and found it correct. I had never been to Govandi on the aforesaid days. They enquired me in detail regarding each and every incoming and outgoing call on 11 July 2006 and I gave them a satisfactory reply.

The CDR confirms that I had never been to Churchgate or Carter Road, Bandra, on 11 July 2006. From 16 to 17 October 2006, they called each and every person who had received or made calls to me. All of them confirmed my statements. The officers recorded statements of all of them.

Dr. Malini's evil deeds

On 20 October 2006, they took me to Lady Curzon hospital in Bengaluru and produced me before Dr. S. Malini. She interrogated me and took down my history. I was taken to the operation theatre, made to lie on the operation table and injected with some drug. She threatened me if I cooperated with her, she would inject less drug, or else she will inject a higher dose. She called Naval Bajaj into the theatre. Bajaj had the questionnaire. I fell unconscious at a low dose. When I was in a subconscious state, she would pierce my ear with a plier and ask me to repeat her words:
Dr. Malini: "Say as I say."
Me: "Okay, madam."
Dr. Malini: "I have not done the blasts."
Me: "I have not done the blasts."

Dr. Malini: "I have not made the bombs."
Me: "I have not made the bombs."
Dr. Malini: "I have not hatched the conspiracy to make blasts."
Me: "I have not hatched the conspiracy to make blasts."
Dr. Malini: "I do not know any of my co-accused."
Me: "I do not know any of my co-accused."
And so on...

They were recording this conversation on camera. When I did not give a proper answer, they began torturing me because of which I lost my consciousness. When I regained consciousness after 4-5 hours, I felt nauseous and vomited. My health deteriorated severely. That very night I was brought back to Mumbai by air. The next day they showed me the "narco CD" at Chandan Chowki. I was shocked to watch the CD. The CD showed me saying: "I have done the blasts. I have made the bombs. I hatched the conspiracy to do blasts. I know my co-accused." And so on.

They had deleted all negatives from the recording. I asked Tonpi why he was doing all this whereas they had found nothing in the narco test. He said they wanted to show this CD to their higher officials and political leaders and if I wanted to save myself, I better become approver soon. On 24 October I was again subjected to narco test. They were asking me to repeat their words, or else they would give me an overdose and kill me. When I regained consciousness, they brought me back to Bhoiwada lockup.

On 26 October 2006, Tajne and ACP Patil took me out of Bhoiwada lockup and told me that they will be taking me to court. They threatened me that if I opened my mouth or complained against the ATS in the court, they would implicate my brother and my family in the Malegaon blast case. I was then produced in the court and my custody was extended till 1 November 2006. That same night, inspectors Tonpi and Kandharkar took me to Bengaluru again. They denied me food and water for 12 hours. On 27 October, they took me to Sanjay Gandhi Hospital where I saw Dr S. Malini. Naval Bajaj was already there. As soon as Dr. Malini saw me she said they had not got anything out of me in the last narco, so she refused to subject me to the test again. I was taken to crime branch and locked me up there. Tonpi told me he would talk to Raghuvanshi and get my narco done again. I was asked not to eat or drink anything for the whole night on 28 October. I was

taken to Lady Curzon hospital again, where Naval Bajaj and Dr. Malini subjected me to narco again. I was brought back to Mumbai by air the same night. and took me to Chandan Chowki, Kurla.

Threat to rape my wife and mother

On 29 October 2006, Deshmukh, Tonpi and Kandharkar inflicted third-degree torture on me again. Deshmukh was saying repeatedly that they would produce me before higher officers where I would have to sign some papers. If I refused to do so they would implicate my family in Malegaon blasts case. That same night they took me to DCP Makrand Ranade's office in Borivali. Tonpi was there with me.

DCP: "What is your name?"
Me: "Asif Bashir Khan."
DCP: "Where are you from?"
Me: "Sir, from Jalgaon!"
DCP: "Okay." He pushed the papers towards me and said, "Sign these papers."
Me: "Sir, I will not sign."
DCP: (Slapping me on my face) "Even your father will have to sign. If you won't sign, we will implicate your family in Malegaon blasts and send your kids to remand home!"
Me: "Sir, I am innocent."
DCP: "You are innocent. Your biggest crime is that you are a Muslim."
Me: "Sir, I have not done any blast"
DCP: "We know that already. That is why we are asking you to sign."
Me: "I will not sign the papers without reading them."
Tonpi: "Sir, he will not will listen to us so easily. We will warm him up a little."
DCP: "Take him away."

Tonpi brought me to Borivali lockup and began torturing me. He tied a saline bottle right above my head. The water would trickle drop by drop on my scalp for the whole night. My head felt like it would explode. I was shivering with fever. Then, inspector Sunil Deshmukh, Tonpi, Kandharkar and staff began torturing me. After inflicting much pain on me:

Deshmukh: "What do you say now?"
Me: "I am innocent."
Deshmukh: "If you say I will get here the papers now."
Me: "No, I will not sign the papers at any cost."
Deshmukh: "If you don't sign, you will lose your life for nothing.
Me: "I am ready to die but I will not sign."
Deshmukh: "He will not listen to us like this. Kandharkar, you go to Jalgaon and get his whole family here."
Me: "No. Don't do that. Have mercy on me."
Deshmukh: "Now we will get your whole family here and we all will gang rape your wife and your mother in front of everyone. It is better you sign the easy way."
Me: "I have already signed once on some papers under your pressure. But this time I will not repeat my mistake."

Frustrated at last, they gave up and stormed out of the torture room for the day. The next day, on 30 October 2006, they came back in the morning and took me to the DCP Ranade.
DCP: "I don't understand why people do as we ask only after we torture them, while they could have done the same when we had asked them earlier nicely."
Me: (Silent and scared.)
DCP: "So will you sign now, or not?"
Me: "No, I will not sign."
DCP: "Seems like the ATS has not warmed you up properly."
Me: "I have no concern with this case whatsoever. Please let me go."
DCP: "You are not in my custody now. You are now in the clutches of ATS. Whatever the hell they put you through, you yourself are responsible for it. They will also implicate you in Malegaon blasts case."
Me: "Please do not implicate me in two cases. (Sobbing...) Have mercy on me!"
DCP: "Take him away and have some 'mercy' on him."

Kandharkar and staff brought me to Bhoiwada from there and subjected me to third-degree torture again. When I fell unconscious due to torture, they left me and went away.

An ACP and staff brought some men to my lockup and stood them before me. He asked them whether they knew me. They said,

"no". He told them to take a close look at me and commit my face to their memories. He told them I was Asif Bashir Khan. I was startled and disturbed by this because I had never known these men. I later came to know their names when they appeared in court and made false witness statements against me. They were police witnesses Muhammad Alam Ghulam Qureshi, Kishwar Popat Lal Shah and Santosh Kedar Singh. They were able to recognise me in the court only because they had seen my face in police custody. On 1 November 2006, ACP Patil and staff came to me and told me that they would be taking me to court. The ACP again warned me to keep quiet in court, or else they would implicate me in Malegaon blasts case too. I wanted to complain against the ATS in the court, but I was intimidated by the threats so I kept quiet. Inspector Kandharkar was with me in the court. I was sent in judicial custody till 9 November 2006. Kandharkar was with me all the way to jail and was repeatedly insisting on me to become an approver, or else they would implicate me in Malegaon blasts case. I was ultimately sent to Arthur Road jail.

Pressurised in jail

On 3 and 4 November 2006, ATS officers, especially Naval Bajaj, came to meet me in jail. Jailor Govind Patil would take me to them.

Jailor: "Asif, officer Naval Bajaj has come to meet you."

Me: "I don't want to meet him."

Jailor: "Why don't you meet him? Who knows it may turn out beneficial for you?"

Me: "Why are you people after my life?"

Jailor: "We are just a bridge between the two parties. All we know is to make you both meet. Whatever you have to say, say it to ATS officers." (Saying this he took me to the office.)

Naval Bajaj: "Become an approver."

Me: "No, I will not be a false witness in a false case"

Naval Bajaj: "We will not let you go... You won't be free... You won't be in peace."

Me: "Allah is with us."

Naval Bajaj: "I will ruin your life."

Me: "*Allah Hafiz.*"

Naval Bajaj: "Take him away and take 'special care' of him."

Jailor: "Yes, Sir"

The jailor then took me to the *anda*-cell and locked me up.

On 7 November, 2006, Jailor Patil took me, accused Faisal and Naved out of the *anda* cell. ACP Patil and other ATS officers were standing there. Patil told us we should become prosecution witnesses and help ATS, and then only we can come out of the case. All of us promptly rejected this offer, upon which Patil threatened us saying that you will rot in jail all your lives. After sometime the jailor took us back to the *anda* cell.

On 9 November 2006, through my advocate, I submitted a detailed complaint against the ATS to the court. Judge Bhatkar asked me to highlight in the complaint, the ATS threat of rape of my wife and my mother. I did as asked.

Arrested in Malegaon case

On 13 November 2006, the ATS implicated me in Malegaon blasts case and arrested me on 14 November 2006. I told the judge I was innocent and I was being falsely implicated. Yet, the judge sent me in police custody. ACP Shenghal took me to Naval Bajaj and produced me before him. DCP Bavaskar and Raghuvanshi too were present there.

Raghuvanshi: "What did you gain, Asif?"

Me: (Silent)

Raghuvanshi: "What did you gain by complaining against us to the court? Nobody can even touch us? All the courts are with us."

Me: (Staring at him in shock.)

Raghuvanshi: "Despite your serious complaints, we have been still successful in easily getting you in police custody in one case after another. So, what good did such a complaint get you? Do not commit the mistake of complaining against us again."

Me: (in tears)

Raghuvanshi: "You will have to become an approver for us. You have no other way out."

Then they took me to Kalachowki. I saw some accused there whom I did not know. I later came to know that they were innocents implicated in Malegaon blasts case namely: Noor-ul-Huda, Dr. Salman Farsi, Dr. Farogh Shabbir Maseehullah *etc.* I was continuously subjected to torture there. ACP Shenghal

submitted false remand applications and got my custody extended. I was taken to Bengaluru on 4 December 2006 and subjected to narco test again but it did not yield them any result. On return DCP Bawaskar pressurised me to sign the false confession papers. I refused and he tortured me again.

Chargesheets of both cases: False and baseless

On 6 December 2006, Muhammad Ali and I were produced in the court where I once again complained to the court that I was innocent and had been wrongly implicated. I was sent to jail. When I got the chargesheet of 7/11 case, I was deeply saddened to read its contents. The whole of it was false and baseless. The names and addresses of the witnesses were erased. Many of the lines and sentences were struck out, which made it difficult for me comprehend it properly. Yet, I managed to read it. I also asked my co-accused as to what had been written in their chargesheets regarding me? All of them gave the same opinion that the ATS had implicated us in this case falsely, but the truth was that we were not related to this case in any way. On 21 December 2006, I was handed the chargesheet of Malegaon blasts case. I was again saddened and hurt to read it. In this too the names and addresses of the witnesses were erased and many sentences too were struck out. I found it very difficult to read and understand the statements of the witnesses completely.

Arrested in Jalgaon case

On 29 December, the police arrested me in a case and took me to Jalgaon. The next day, on 30 December 2006, I was produced before crime branch inspector Patil.

Me: "Why have I been brought here?"

Patil: "You have been arrested in a case."

Me: "But I was never wanted in this case, nor was I an accused."

Patil: "We know."

Me: "Then, why have you arrested me?"

Patil: "We are implicating you in this case on Naval Bajaj and SK Jaiswal's orders."

Me: "Naval Bajaj has harassed me a lot. He has already implicated me in a false case. Then what is the need to implicate me in this case?"

Patil: "There sure is a need. We need to impose MCOCA on you. To do that we need to show two more previous cases against you."

Me: (Staring in disbelief)

Patil: "We had informed the Mumbai ATS that you were not involved in this case. Yet, we are pressurised by them to implicate you."

I was then detained under police custody. When it ended, I was sent back to Arthur Road jail.

All confessions are false

On 18 January 2007, I was brought back to Arthur Road jail. On 1 August 2007, when I was produced in the MCOCA special court and charges were framed against me, I told the judge that all allegations against me were baseless and that I rejected them and requested for my case to be transferred to another court.

We found the imposition of MCOCA on us incorrect and we went till the Apex Court against this imposition. Advocate Shahid Azmi gave me the copies of confessions of my co-accused. I was shattered to read the narrations. I personally asked all my co-accused as to what was written in the confession papers and how come did my name appear in their confessions. All of them told me that the confessions were false and they were forced to sign on those papers. The same was the story of false confessions of my co-accused in Malegaon blasts case.

Torture in jail

On 28 June, 2008, my co-accused and I were taken to ground in the jail. Superintendent Swati Sathe told me that she was transferring me to other prisons, but she would not let us go on our feet. She sounded the alarm bell and got us both lathi charged. We were wounded horribly and were sent in the same condition to the Nagpur jail. We were not given any medical attention. We were made to travel for 24 hours in this semi-disabled condition. We did not get any medical attention there either. I was locked up in aged prisoner's cell so that I could be mentally harassed. After 20 days we were treated medically on the orders of the high court. I was

locked up there for 15 months, due to which I was unable read on my case and defend myself.

Sadiq Shaikh's confession CD

On 15 October 2008, I saw a news segment on a Marathi news Channel, *Zee 24 Taas* on which a letter was shown. It was a letter written by some ATS officers to the President of India on 3 November 2006. The letter said that innocents were being implicated in 7/11 case under pressure from AN Roy, KP Raghuvanshi and SK Jaiswal. The video-CD of this case is submitted to the court. Similarly, on 27 February 2009, I saw Sadiq Israr Shaikh's confession on CNN IBN. Sadiq had narrated elaborately how he had prepared bombs with his associates. The second CD also is submitted to the court. I request the court to go through both the CDs at least once before delivering the final verdict.

On the orders of the high court, we were sent back to the Arthur Road jail, Mumbai, during September 2009. After reaching Arthur Road jail I tried reading the chargesheet, but I was unable to understand it since key sections of the chargesheet were struck out or erased by the ATS. As a result, I was unable to send any query through RTI. I was never a member of SIMI, nor had I ever attended any of their programmes. I have not taken part in any conspiracy or preparation of the 7/11 blasts, nor have I procured material necessary for the blasts. I did not give shelter to any of the terrorists. I have no connection with this case whatsoever. I did not know any of my co-accused from before the arrest, nor was I in any sort of contact with them. I am not involved in Malegaon blasts case either. I did not plant any bomb in the Western Railways. Raghuvanshi and company have implicated me in the Malegaon case in the same manner they had implicated me in 7/11.

RTI

When Kishwar Popat Lal Shah appeared in the court and made false witness statement against me in the court, I recollected that this was the same person whom the ATS had brought to me during my police custody on 13 October 2006 at Bhoiwada lockup. I filed an RTI, sought information and established before the court his relations with the police. The ATS officer Kishan Gaikwad had

arrested Shah in a case. When I got all necessary documents, I became certain that Shah had made a false statement under the ATS pressure.

Taxi driver Santosh Kedar Singh made a false statement against me in the court. He had done so under pressure from the ATS officer Devram Dagdu Vadmare. I found out through RTI about Vadmare that in 1998 he had demanded a bribe of Rs 30 lakhs from a person, threatening that he would implicate his whole family in a false narcotics case. The person complained against him to the ACB (Anti-Corruption Bureau). Vadmare was finally arrested and convicted.

Witnesses are tainted

When SEO (Special Executive Officer) Shashikanth Balwant Barwe made a witness statement against me in the court I was shocked and saddened because I was never made to go through an identification parade in the jail. I sent an RTI to the collector's office to find out if Barwe was the SEO back then or not. I got the reply that the SEO at that time was not Barwe, but Shyam Kumar Gangaram Nikampalli. I was convinced that Barwe had submitted false documents in the court.

Similarly, Muhammad Alam Ghulam Sabir Qureshi recognised me and made a false witness statement against me in the court. So did Kewal Kumar Jain under pressure from ATS. It was revealed through RTI that a case of fraud was registered against Jain in the Park Site Vikhroli station. He was pressurised and made to sign on a false *panchnama*. Similarly, witness Dilip Vithal Aiyyare had a case against him at Samta Nagar police station and was arrested in the same.

NIA acquits me from Malegaon

I have never made any confessional statement out of my own desire, nor have the police recovered anything that I have pointed out. The police did not take me to Poonam Park, nor did they do any *panchnama* there. I have no connection with Poonam Park, Mira Road. I have never stayed at the said address, nor did I store anything there. I used to stay at Sector 11, Shanti Nagar, Mira Road. Jitender Champa Lal Jain is a regular *pancha*-witness for the

ATS. I have submitted all documents of all cases in which Champa Lal has served the ATS as *pancha*-witness.

I was not involved in the Malegaon case. Yet, ACP Shengal, SL Patil and Tawde submitted a false report against me and got my custody. I have submitted all remand copies to the court. The NIA rubbished all the claims of ATS in Malegaon case and said that they had implicated innocents. The NIA further claims to have arrested the actual culprits. I am submitting a copy of the chargesheet submitted by the NIA regarding the Malegaon blasts case. On 5 November 2011, they released us all on bail. I have submitted all related documents. The ATS arrested us innocents in 7/11 case and in effect helped the actual terrorists get away.

The ATS submitted a false *panchnama* and enacted the drama of having recovered traces of RDX from me and implicated me in Malegaon blasts case. The ATS has made a similar claim against me in this case too and played the same drama.

If ATS can implicate me in Malegaon, then why can't it in 7/11

In the chargesheet submitted in Malegaon case by ACP Shengal, ATS officers Vasant Tajne, Arun Khanvilkar, Kolhatkar, Sachin Kadam, Dinesh Kadam and Kishan Gaikwad are mentioned as witnesses. These are the same officers who were mentioned as witnesses in 7/11 case too. All of them recorded false confessional statements from my co-accused and included my name in their false stories. I have submitted all confessions recorded by ATS to the court regarding the Malegaon case. The NIA has found in its investigation that all confessions were recorded under duress. Even the statements recorded before the magistrate were done under duress.

AN Roy, ATS chief Raghuvanshi, Jai Jeet Singh, SK Jaiswal, DCP Naval Bajaj, DCP Sanjay Bavaskar, ACP SL Patil, ACP Shengal, Tawde, inspectors Sunil Deshmukh, Tajne, Khanvilkar, Mohite, Kolhatkar, Shelke, Sachin Kadam, Dinesh Kadam, Kishan Gaikwad and other ATS personnel hatched a criminal conspiracy and implicated me and my co-accused in this case and Malegaon case. I am innocent. I and my co-accused are not at all involved in this case. The ATS implicated us to save the actual culprits. They discharged the actual culprit, Sadiq Shaikh, from the case. Despite the falsity of the Malegaon chargesheet

being established, the prosecution did not let me to be released on bail.

Reinvestigate the case by NIA

I have suffered heavy financial losses due to false implication in the two cases. I was the only bread-winner in my family. My father was suffering from cancer and he passed away as I was unable to attend on him and get him enough medical attention. My younger brother had to shoulder the responsibility of my wife and my children. My family suffered a lot due to my arrest. I did not hide my identity ever. I lived with my real name. My name, address and mobile numbers were all registered under my real identity and I worked in Jalgaon and various companies of Mumbai under the same. Naval Bajaj had threatened me not to meet my co-accused in the Jalgaon case. Accordingly, I did not meet them and my bail was also cancelled once for not appearing in court on a date. My life got ruined because of Naval Bajaj. I request the court to order the NIA to conduct a reinvestigation into the case and bring out the truth just like they had done in the Malegaon case. I am innocent. Thus, I request that I be discharged from the case and action be taken against the people who framed me falsely in this case.

Cross-questioning

I have full confidence in my advocates. I did not want Naval Bajaj to be summoned to bear witness because I feared that he might seek revenge from me by making a false witness statement against me. Naval Baja also has a big hand in implicating me in this case. It is true that a case from Jalgaon in 1999 is still pending against me because after MCOCA being imposed on me, I could not have gone to Jalgaon from prison. It is not true that I am levelling false allegations against Naval Bajaj only to gain the court's sympathy. The Malegaon blast case was transferred from ATS to CBI, but the investigating team remained unchanged. The truth came out only when the case was handed to the NIA because the team was totally different. It is a big lie that the prosecution merely represents the case in the court and they do not have any relation with the ATS outside the court. On the contrary, public prosecutor Raja Thakare used to have sittings with ATS chief Raghuvanshi in the latter's office. It is not true that I am following some Al-Qaida manual to

save myself and making false accusations against the investigating agencies or prosecution and am defaming the courts.

My statement in the court is true

The chargesheet submitted by CBI in Malegaon blast case is totally false. We had produced all the evidence of our innocence to the CBI, but they have not produced the same before the court. My bail application in the Malegaon blast case was rejected, but I was unable to approach the high court due to financial constraints. After my arrest, the first day when I was produced in court, I did not have any advocate to represent me there. After being sent to jail I discussed with all my co-accused regarding this case. Based on my conversations with them, I say all of them are falsely implicated like me. We have not hatched any conspiracy to complain against the ATS. In fact, we have only narrated whatever we have been through at their hands. It is not true that I did not submit any authentic document regarding my stay at the Mira Road flat. On 13 October 2006 inspector Sunil Deshmukh took the agreement copy of my flat and did not produce it in court.

I have not hatched any conspiracy

It is not true that Sajid Ansari is my associate and that we were in contact regarding the conspiracy in the case. It is also not true that we were in contact with each other on phone. It is not true that a PCO near Fauziya Nursing Home was our common command post and that from there I used to contact Sajid, Ehtesham and Zameer. It is also not true that we had followed the Al-Qaida manual and had not kept our mobiles with us during the execution of the conspiracy. Jitender Champa Lal Jain is a regular witness of the police. It is also not true that he was threatened on our orders not to bear witness against us.

Tainted officers were made to give false witness statements against us in this case, and in return they were acquitted from the cases registered against them. This is how officer Devram Dagdu Vadmare was cleared of the corruption case against him. It is not true that I was not on duty on 11 July 2006, on the day of blast. It is not true that all confessions have been recorded following legal procedures.

Analysis of Asif Khan's statement

Asif Khan has mentioned everything in detail and has defended himself efficiently. Out of all the 11 statements on oath submitted in the court, the one by Asif Khan's is the best, because he has explained everything meticulously. All innocent Muslims who have been falsely implicated in terror case must definitely read Asif Khan's statement completely and learn how to make a statement before court without any fear.

Since Asif was presented as the mastermind of this case, it was necessary that an authentic statement was made by him and Asif did it to perfection. The ATS claims that on Asif's pointing out, they recovered 7.2 kilograms of ammonium nitrate powder and 10 detonators from Mira Road. We have already read how Asif was forced to sign on the false *panchnama*. In this context it is necessary to understand what a recovery *panchnama* is.

Recovery *panchnama*

In legal terms, when an accused is arrested, he confesses to have committed a crime, stating what weapons he had used in the crime, where he hid it afterwards and tells all this to the investigation agency so that it can locate the weapons if they take him there. The agency asks the accused to say the same to a reputed *pancha*-witnesses. After the accused confesses it in front of *pancha*-witnesses, the investigation agency writes it down and takes the signatures of the accused and *pancha*-witnesses. Then they reach the said location along with the accused and the *pancha*-witnesses. When the accused recovers the said weapon of crime from a specific spot, the investigation agency bags and seals it. A *panchanama* is performed in the presence of reputed members of society. (In the blasts cases, investigative agencies miraculously recover remnants of the materials used in bomb-making, such as RDX, other explosives, timers *etc.*) Once the procedure is completed the accused, *pancha*-witnesses and officers sign the document. The whole procedure is established in court in a similar manner.

One out of the two *pancha*-witnesses appears before the court and confirms the recovery. He also confirms his signatures, the signatures of the accused and those of the police officers on the

document. Thus, the *panchanama* is established in the court and recovery of the weapon is established.

Once the procedure is completed, no matter how many times the accused says that he has not made any confession, nor has anything been recovered at his pointing, it does not make a difference. The weapon seized is sent to forensic lab for investigation, which confirms that the crime has been committed with the same weapon. Forensic experts submit their report that the blood on the weapon matches that of the victim. Similarly, if the forensic report confirms that the composition of the explosives used in the blast and that recovered from the accused are the same, it is concluded that the accused has committed the blast. The court looks at the matter as a whole and concludes that the accused has done the blast and sentences him accordingly.

What happens in reality

The procedure mentioned above is restricted only to books. In reality, nothing of this sort happens. In reality the accused is inflicted third-degree torture in one room and in another a conspiracy meeting is held between police officers. They decide as to what is better to show to have been recovered from the accused's residence or office, such as weapons, RDX, chemicals, fake currency, live bombs *etc.* All of this is decided to suit the case. The *pancha*-witnesses are called there at the police station and their signatures are taken. Even the police sign the forged *panchnama* document. Then they come to the accused and ask him to sign it. They would have already subjected you to torture so that the moment they ask you to sign, you do it without any fuss. You sign the document and their purpose is fulfilled. The court straightaway accepts that explosives and other things were recovered from you.

It is not us saying this. It is the highest investigative agency of the country saying that "the recovery of RDX from the accused" was nothing but a drama. The same drama has been enacted by the ATS in German Bakery blast case, 7/11 case, Malegaon blast case and other cases. Wherever we have mentioned the ATS, do not just read the ATS there. In fact, read "police" as a whole.

The only way to save yourself from false recovery

No matter what, do not ever sign on the fake recovery papers. This is the only way to save yourself. Do not sign even if you are threatened with death. We do not know of any other way of saving oneself from false implication. It is possible the police submit a false *panchanama* in the court without your signature. Let them do it. In such a case, the *panchanama* will be reduced to a mere police report. It won't carry the same weight as a regular *panchanama*. It won't act as your confession anymore. The police will have a tough time explaining in the court if it is a *panchanama* document, then why does it not carry signatures of the accused on it?

Chapter 4 : The police torture

The accused in 7/11 case have complained in writing in detail to the court about how they were tortured before their legal custody, during the custody and in jail. They have narrated their stories of horror and pain with tears in their eyes in their statements on oath. In this chapter I have collected all forms of torture to explain the torture methods in detail and to avoid repetition. In the light of some verdicts given by the higher courts and our own experiences I have also included some suggestions so that the readers remember these things well.

1. The flour-mill belt

The most often used tool by the police for physical torture is the flour-mill belt. This is the same belt that is attached to the machine in the flour mill. Hence the name. The police use the same belt to beat the accused with. It is usually 15-16 inch long and 2-3 inch broad and a wooden handle is attached at its one end. You will find this belt in every police station. The police may forget to buy a copy of the Constitution, but they will never forget to keep a flour-mill belt at their station. Obviously, it is brought out only when they have to torture, or threaten someone with torture. At other times it is carefully hidden in the torture rooms away from public sight. The police do not use this outside their station, because this would attract criticism and defame their department. Outside the station they use a bullet to relieve the accused forever from the pain of torture. They resort to killing in "encounter". The 2016 Bhopal encounter is an example of such inhumanity.

They keep more than one such belts at some police stations so as to torture multiple persons at the same time. It is a trend at the police stations to write some scary one-liners on the belts. The belts we saw in ATS police stations had these lines written on them in Hindi:

1. *Sach bol patta* (Speak-truth belt)
2. *Meri aawaaz suno* (Hear my screams)
3. *Andha-qanoon* (The blind law)
4. *Yahaan patthhar bolta hai* (Stones speak here)
5. *Bolne wala patta* (The talking belt)

What is so special about this belt? When the belt hits someone, it makes a loud, scary noise. It scares both those being beaten and those seeing the torture. The sound is terrorising. Another feature of this belt is that usually it does not leave a mark on the victim's body, no matter for how long he is beaten with it. Thirdly, it inflicts so much pain that the toughest of men agree to accept any lie the police want them to.

The police take utmost care that no visible sign of torture appears on the accused's body, because if he musters courage and shows those signs to the judge, they may land in trouble. Thus, the police do not beat a person on any random part of his body. They have devised a specific method for this. They make a person stand and extend his hands as in "a person making *du'a* (praying) in a standing position." Then they continuously strike on the victim's palms with the belt. When the victim's hands get swollen, they ask him to strike his palms against a wall or the floor. This reduces the swelling. They then give the victim papers balls and ask him to keep pressing them. This further reduces the swelling.

Similarly, the accused are made to lie down on the floor with two policemen standing on his shoulders and another one standing on his thighs. Then the victim is continuously beaten on his soles with the flour-mill belt. When the soles start swelling due to the assault, they make him walk on the floor so that the swelling is compressed. In one go, the victim is inflicted with 50-100 or even 200 such floggings. After a break another set of 50-100 or 200 is repeated. This goes on day and night. They never stop out of mercy. They just stop out of fear that victim's soles may rupture and start bleeding and in such a case a fearless accused may show the wounds to the court. In their own terminology, policemen call this method of torture *naal-bandi*.

It is foolish to imagine that doctors and the courts do not know how the police treat the accused in custody. The judiciary very well know the inhuman torture inflicted upon the accused in police custody, yet they send them in police custody again and again because they have a justification for such barbarism somewhere deep down in their minds. May be the judiciary believes that the accused will not confess to his crimes as long as he is not subjected to torture. May be they believe not doing so would affect the law and order in society and crime would increase in the country. Now the onus is on the accused to prove that he has been tortured in

police custody. But how could you do that when there are no signs or marks of torture on your body and your medical report says "everything is normal"? We will answer this question at the end of this chapter.

What to do when tortured with the flour-mill belt

When you are beaten brutally with the flour-mill belt, do not withstand the torture and bear the pain quietly. You must express your pain with as loud screams as possible. This will make the police hesitate from torturing you further because they fear they may be hitting you harder than they can safely do. They do not want to leave marks of torture on your body because they may act as evidence against them in court. They keep warning you not to move much because the belt might land on the wrong place (a place that may leave a sign of torture). They will also threaten you saying, if you don't keep still, "I will beat you all over your body" or they may say "I will inflict you with 100 more beatings." You must not at all be intimidated by their threats and must keep moving your body constantly during the torture. This will cause the belt to land on the wrong place and it may cut your skin and cause it to bleed or the wound may become visible. This externally visible injury will be easily noticeable to the naked eyes of doctors and judges and it may cause them to take action against the police. Thus, it will save you from torture and from being forced to accept a false story or take a false blame on your head. The police ask you to bang your hands on the floor. They make you do this, so that the swelling on your palms disappear. Do not bang your hands on the wall or on the floor. But you have to retain the swellings on your hands to show them in the court. They will tie you to a bamboo or a chair or a table or a cart or to a wall and beat you on your buttocks, it will cause the skin of your buttocks to bruise. You may feel embarrassed to complain about such a thing to the court and the police will get away. But this will actually harm you in the long run. So, stop being shy and tell to the court that you have been beaten badly on your buttocks and you want to show the bruises to the court. The judge will ask the women in the court room to leave and you will be asked to show the bruises. The judge will note this down in his/her diary and will order your medical checkup.

2. 180-degree torture

The police usually torture a person in such a manner that he may find it difficult to show the signs of torture to anyone. You will not speak about it to anyone out of embarrassment. In this method of torture, the police will make you lie down with one of them sitting firmly on your shoulders and the others will start stretching your legs apart. This will cause severe pain in your thighs and your genitals. They stretch your legs so far apart that they are at 180 degree and then police men start jumping on your thighs to cause you further pain. When you start to scream through the roof-tops due to the pain, they at once bring back your legs close and bang them with each other. This may make any of the artery or vein around your thighs rupture. After sometime they will again start stretching your legs apart to 180 degree and repeat the whole procedure. This may hurt you so bad that you start passing blood in your urine and you may be left unable to walk. Yet, they will force you to walk so that you start looking normal before you are produced in the court. They will make you walk to the court to pretend that you are normal.

What you have to do during this torture is to again not bear the pain and start screaming at the top of your voice. Remember: "Bear the pain, but not the blame." When you notice blood in your urine, stain your undergarments with you bloody urine. Do not force yourself to walk properly in the court, limp as bad as you are hurt. Show your blood stained under garments to the court and tell them how you got them. Ask the court to order a medical checkup and confirm that the blood is your own.

3. Stripping naked

This is a very effective technique. Every accused is stripped naked before and after the torture. Some of them are naked throughout their police custody. When you try to hide your genitals with both your hands, they beat you on your hands and deter you from covering yourself. By stripping you naked the police intend to humiliate you in your own eyes and in the eyes of others. The police bring your family in front of you, while you are naked so that you are embarrassed of yourself and lose your self-respect. The police would make immoral gestures and obscene talk with you. They may stoop to even a lower, more bestial level. In such a

situation, you would say to yourself what good is such life? Why am I bearing all this? Why am I humiliating myself before my relatives? It is far better to agree to do whatever the police ask me to? At least I won't be stripped naked, humiliated and tortured? Let me sign wherever the police want me to and get my clothes back on my body.

Remember! You have not stripped yourself naked, nor have you shed your clothes for some immoral act. You have been stripped naked only to make you accept the police's false story. So, do not agree to their terms at any cost and do not blame or curse yourself as long as they keep you naked. Do not let them succeed in their evil purpose, which is to implicate you falsely. Bear it. Withstand. Persevere. You shall be blessed with best rewards in the hereafter, *insha Allah* because you are bearing all this for the truth.

4. Electric shock to private parts

A person is stripped naked and is hanged a little higher from the floor. This leaves him hanging in the air. Then his genitals and other sensitive parts (such as nipples *etc.*) of his body are administered electric shock. These shocks are so severe that a person is completely shaken from within. Every part of your body starts trembling due to the shock. You won't be able to bear the pain and you will fall unconscious, after sometime. Then you will be brought back to consciousness, and the process will be repeated. Any person would agree to do anything the police say to get rid of such horrible pain. The police will keep taunting you that these shocks will make you impotent and you won't be able to have sex ever again. Thus, a person is inflicted with fear along with pain.

Even the toughest of men break down under such torture and agree to sign on any paper. One must have faith in himself in such conditions. As soon as you sign on the papers or agree to do as the police says, they stop torturing you, but you have to say in the court that you have been tortured with electric shocks on your private parts on such and such date and time. That and the medical report would definitely confirm that you have been tortured.

5. Torture in the anus

The police insert a pen or a cane or inject soybean oil or some medicated painkiller oil for topical application like Surya Prakash

Oil in the victim's anus. They inject the oil with a needleless syringe into the anus and this causes severe burning sensation on and inside the anus. They then ask the victim to rush to the bathroom and wash it away with water. If one does so, it will just increase the burning sensation.

Remember not to use water whenever you go to bathroom. When you are produced before the court, say it out loud before the court that you were injected with something in your anus and it would be established in the medical checkup.

The accused's hands are tied to a window or to an elevated place and he is made to stand for hours together near the toilet so that the foul smell coming from the toilet numbs his brain. The accused won't be allowed to sit for hours together. He won't be allowed to sleep for several days. They make him assume the position of sitting on a chair without actually giving a chair and they will put a lot of burden on the victim to hold. If one drops the weight, one will be flogged with a belt. They will painfully pluck away the hairs of one's beard and head, and pull off the nails from one's fingers with a pair of pliers.

6. Water boarding

The victim is made to lie on a hand cart with his head placed at a lower elevation. The other end of the cart is lifted higher. His blood pressure is monitored electronically. Then a cloth is placed on his face and water is continuously splashed on the face with a hose pipe. This makes one struggle to breath and as the suffocation starts aggravating, the blood pressure begins to drop. The police stop the water when the blood pressure starts dropping. After sometime the water is started again. This makes one feel like one is drowning, suffocating and one feels one is going to die. If one loses consciousness, the procedure will be resumed when one regains consciousness. During this torture a person usually feels like he is going to die so he thinks it is better to save himself by agreeing to do as the police say. But it is totally wrong to think so. Because they would not kill him with this torture. But, if he agrees to do as they say, he for sure won't be able to live.

7. Fire and water

They won't hesitate to torture you with fire. They would burn your chest, sole or your genitals with burning cigarettes. Another method of torture is to make the victim sit on a chair and bind him to the wall with the hands and feet firmly tied. The head is stuck to the wall with tapes so that you are unable to move your head at all. Then a bottle is tied over your head in a way that water drips on your head drop by drop. When the water keeps dropping on your scalp for 8-10 hours, you will feel as if the water had made a hole in your head and the water is drilling into your brain. This causes severe pain and you wish someone stopped this pain. You start feeling you would do anything to have it stopped.

8. Plucking hair and beard

The police harbours hate and contempt for Islamic appearance and etiquette. They ruthlessly pluck your hair and your beard and rebuke you for growing a beard. While they painfully pluck your beard, they will constantly keep mocking you saying: "Why have you grown a beard? Had you not grown a beard, we would not have been able to grab it and pluck it." The accused Faisal of this case had long hair, but the ATS sadistically plucked all his hair, causing great pain to him and turned the front portion of his head bald. Now he is suffering from severe loss of hair and his hair are falling rapidly. An accused in 1998 blast, Ashfaq, personally told us that the police had tortured him brutally. They were constantly pressurising him to become an approver. They plucked his nails with a pair of pliers and pressed the wound of his already amputated lower limb to force him to become an approver. At last, he agreed to become an approver to escape the pain of torture. But he again told the truth in the court. As a result, he was again made to face the case and was ultimately convicted.

9. The chilling torture

The ATS torture rooms are air-conditioned. They are not made to shield you from high temperature, but to inflict on you freezing tortures. They will strip you naked in the torture room and adjust the AC in a way that the whole room is freezing soon and you start shivering due to the cold. You will be tied in such a room for

several hours. Neither can a person sleep in such a condition nor can he die. He can only suffer endlessly.

10. Sleep deprivation

Another method of torturing a person is to deprive him of sleep. We know an accused who was not allowed to sleep for 8-10 days and he lost his sanity as a result. He later started sleeping in a walking or sitting condition. This technique of sleep deprivation is adopted to keep the accused constantly under a psychology of fear. Eyes blindfolded, hands and feet tied, ears plugged. Neither can one see nor hear anything but always remains apprehensive of being inflicted with painful torture. This apprehension of the unknown, and unpredictable torture is used to shatter the accused.

11. Solitary confinement

In this torture technique, the accused is locked up alone for quite a long duration as a result of which a person develops serious mental problems. According to the Supreme Court's orders, even a convict is not supposed to be thus tortured, but the police department applies this torture method on innocent Muslims youth.

12. Mock execution

In this method of torture, the police adopt such cold-blooded techniques that the accused starts believing that he would be killed anytime now. When the ATS arrested me illegally and was taking me to the Kalachowki, they stopped their vehicle at Thane, Khadi, in the middle of the night and threatened to kill me in a fake encounter. Similarly, the accused Kamal narrated to me an incident that one night, the ATS took him to an abandoned place and asked him to run. Kamal said that the ATS men had pistols in their hands. He realised that if he ran away, he may get killed. He did not run. They started beating and kicking him. Kamal endured the kicks and beating, but did not run because he knew he would be shot if he did.

13. Sensory bombardment

In this peculiar method of torture, the accused is firmly tied to something and loud music is played very close to his ears. This goes

on for several hours. In the ATS Kalachowki a small soundproof room has been made in between the torture rooms, where the prisoner is locked up and the doors are loudly banged from both sides. The prisoner is tortured with darkness and loud sounds. Though this torture does not leave any mark or sign on the prisoner's body, it does break a person psychologically.

14. Forced to watch others being tortured

In this torture technique a person is made to watch others being tortured. Though it does not hurt a person physically, it sure does scare a person immensely.

15. Foul language

During the investigation the accused is made to parade naked before his family or *vice-versa*. When the accused becomes unable to bear this torture, he starts calling out Allah for help. At that moment the policemen start hurling abuses for Allah, His Beloved Prophet Muhammad (PBUH) and Islam. During the police custody they keep abusing Islam and Muslims all the time. Uttering abuses for one's mother or sister are common for them.

16. India's own Guantanamo Bay

There was an investigative report published in the weekly magazine *The Week*. Written by Saiyyad Nazakat it was titled "They are our Gitmos". The article read: "As one police officer told *The Week* in the course of our investigation, these torture chambers spread across the country are our precious assets. They are our own Guantanamo Bays or Gitmos."[a]

From the local police station to the offices of higher investigation agencies, these torture cells are spread all over the country. Innocent men are subjected to various forms of torture in these cells. They do not have mercy on the innocent. On the contrary, they will subject people to torture and forge false evidence against them by making them confess to things they did not do. They force one to sign papers one does not know what is written on them.

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[a] Syed Nazakat & Anupam Dasgupta, India's secret torture chambers (*The Week*, July 12, 2009) https://tinyurl.com/India-secret-torture-chambers

Remember the wise words of a prominent figure of the community, languishing in jail for several years: "thirty days of torture or 30 years of imprisonment! The choice is yours."

Signing the papers to evade torture means one is forging strong evidence against oneself which gets one sentenced to life imprisonment, or even death penalty. According to the government's orders those (read Muslims) serving life sentence in cases terrorism will be imprisoned for 60 years or till the age of 65 years. Now, who knows he will live for 65 years? Spending your entire youth in prison and then being released at an age of 65 is not quite different from dying in prison.

17. Remember, during torture

1. Do not lose any chance to scream aloud and express your pain during the torture.
2. Mention it clearly to the police even before they begin torturing you that you are not ready to sign on any paper, no matter how much they torture you.
3. Do not use painkillers or applications given by the police to reduce the pain or to make the signs of torture disappear. Maintain your wounds fresh so that you may show them to the court as and when you a get a chance to do so. After the *naal-bandi,* torture the police ask you to jump several times on the floor from a chair so that your swelling is compressed. Find a way not to do so and maintain the swelling.
4. Complain to the doctor about the torture.
5. Gather courage and tell the judge what has been done to you in the police custody.

18. An interesting story

Every person accused of terrorism or blasts is horribly tortured in police custody. Most of them complain to the court about the torture, but the courts never believe them, because the accused were unable to prove that the torture happened. Consequently, the police always go unpunished. The lack of justice in our courts, the stubbornness of biased judges and failure on the part of the accused to present evidence of torture have led to failure in stopping such inhuman torture. But this does not mean that we must stop bringing the matter of torture to the court's record. We are

narrating an authentic story which will help you understand why no action is being taken despite our complaints before the court:

A prisoner came to me in Arthur Road jail to get an application written so that he could immediately get himself treated at the Civil Hospital. I saw several signs of torture on his back. On enquiring he narrated:

> I am a thief, brother. I have been doing this for several years. I get released on bail in every case and I ultimately get acquitted too. This time the police caught me, tortured me in the police custody and said: "We have 20-25 unsolved cases of theft. We have been unable to catch the actual culprits since a long time. We will implicate you in all these cases, take you in custody and torture you every time." At night, they locked me up and went away. I was given a blanket to sleep on. I took out a thread from the blanket and started rubbing my back with it like we wipe our back with a towel after bath. After several hours of effort, I developed wounds on my back. The next day I was supposed to be produced in the court. When I was produced before the judge, I complained to him that the policemen had tortured me the whole night. I said these words and took of my shirt showing him the marks on my back. The wound was fresh. The judge saw the wounds and asked me who did this to me? I pointed to the officer who was threatening me with false implication in unsolved theft cases. The judge immediately took action against him and ordered my medical checkup. He rejected their application asking for the extension of my custody and sent me to jail. The judge imposed a heavy fine on the officer who had threatened me with false implication.

Scientific methods of torture

Indian Medical Association conducted a survey in 1995 and tried to find out how much did doctors know about torture. It was found that 60% of the doctors believed it was okay to subject a person to torture in some situations.[a]

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[a] Indian Medical Association (IMA), *Report on Knowledge, attitude and practice of physicians in India concerning medical aspects of torture*, New Delhi, 1995, p. 24.

Some doctors practically coach the police personnel how to inflict maximum pain and yet make sure that the patient does not die. According to Indian law it is compulsory to have a doctor present when a person is to be hanged till death. According to the Haryana and Punjab jail manuals drafted during the British rule, when a person is hanged till death, he is supposed to be left hanging for 30 minutes so that the convict is completely deprived of oxygen and he dies. Objecting to the procedure a person filed a PIL in the Supreme Court saying it is barbaric to leave a person hanging for half an hour by the noose. He appealed that the body of the dead must be immediately brought down. Agreeing to the PIL, the Supreme Court passed an order asking that a doctor be present when a person is subjected to hanging till death. After his hanging the doctor checks him and confirms if he is dead or still alive. As soon as the doctor announces his death, the dead body is to be immediately brought down. During 1994 every hanging, the doctors would say: "He is still alive, leave him hanging some more." This made the doctors insensitive towards accused and convicts. Not only that, even filled them with barbarism. Those supposed to help patients live were now extending people's hanging to make sure they are dead.

According to guidelines to doctors regarding human rights, he or she is obliged not to be a part of torture in person and also not to be present at a place where it is committed. Furthermore, a doctor is bound by his duty, to immediately inform regarding torture to the concerned authorities. In 1975, the World Medical Association published a declaration under the title Declaration of Tokyo, which was also signed by the Indian Medical Association.[a]

Right to life is every person's fundamental and constitutional right. But when a doctor feels the necessity to inject a medicine into a person's body so as to perform surgery and save his life, he is supposed to take the patient's consent before he can do so. If this is the legal guideline to save a man's life, imagine the extent of the violation of human rights when he injects a chemical into a

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[a] World Medical Association, *"Declaration of Tokyo". Guidelines for physicians concerning torture and other inhuman or degrading treatment or punishment in relation to detention and imprisonment"* adopted by the 29 World Medical Assembly, Tokyo, Japan, October 1975 and editorially revised at the 170 council session, Divonne-les-Bains, France, May 2005.

person's body without his consent, only to inflict pain on him and extract information, often tutored and false.

Lie detection test

This test is based on a concept according to which when a person speaks the truth, his physical and mental status remains unchanged. But when he starts speaking lies, we notice many physical and mental changes such as change in his body language, spike in pulse, changes in heartbeat, the perspiration pattern, increase in blood pressure etc. During a polygraph test all these changes are monitored when a person is subjected to questioning. The various wires attached to one's body immediately pick up any change in the body. The doctor goes by these readings and judges whether you are lying or speaking the truth. Basically, two types of questions are posed. The first type are the control questions, which are easy and common such as what is your name? What is your parents' name? What do you do? The police already know the answer to these questions and a person always speaks the truth while answering these questions. The readings on the monitor are noted down as to when and what changes have occurred. Usually there are not many changes noticed during these questions. The second type of questions are relevant to the crime and investigation. If there are noticeable changes recorded in a person while answering these second type of questions, then the investigator or the doctor concludes that you are giving a false answer.

Another test similar to polygraph is a procedure called "computerised test record". This one is quite popular with the US investigative agencies. In this test a voice recorder is attached to a highly sophisticated computer. Here the device records the changes in one's voice. It is based on the concept that a person's voice, when he speaks the truth, is different from the one when he is lying. The computer itself makes out if a person is speaking the truth or is lying. US courts have convicted a lot of accused based on this test, but it was later found that there was a fault in the computer or the readings were erroneous. As a result, the convicts were acquitted and were paid appropriate compensations.

Brain mapping

In this test the accused is made to sit in a room before a computer with lots of wires attached to his head. The room is kept dark. He is left alone in the room and he is made to hear some sentences, conversations or events from a mike. The investigators focus on the suspect's physical and mental reactions. In this process the subject is not asked any question. The investigators note down how his brain reacts to these sentences. This test is based on a concept which says, if the subject knows a person, place or an event, it is registered in his brain. As soon as he hears the name of a person, place or an event he is familiar with, his brain is activated and this activity is recorded with the help of electrodes attached to the scalp. The investigator thus concludes that you are familiar with the person, place or event mentioned, although they won't be able to determine as to what exactly you know. It is just like opening the index page of a book and confirming whether the word in question exists in it or not. The investigators collect the index pages of your brain without your consent. On the basis of the findings in this test, the investigators conduct further tests and investigations. For example, if the brain-mapping test shows that you know a particular person, then they move a step ahead and subject you to narco test. In the narco, they will ask you as to what you know about a person. If they do not get further details in the test, they conclude that the narco has failed.

The reality of the scientific tests

Experts from US and UK have concluded in their reports that polygraph and lie detection tests are based on questionable principles.[a]

It was noted that some individuals learnt to gain control of their physical and natural reactions and fake the test by making the truth look false and vice-versa. There have been many such instances in the recent past. The above-mentioned reports have recorded an interesting story about an American citizen named Fay, who was arrested on the allegation of murder. It seems he failed in his lie-detection test. So, he was convicted with life time

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[a] *National Research Council Committee to review the scientific evidence on the polygraph* (Washington DC; National Academics Press, 2003); *BPS working party, A review of the current scientific status of fields of application of polygraph detection* (London, The British Psychological Society, 2004)

imprisonment. When he had served about two and a half years in prison, the police caught the real killer and the court had to acquit and release the erroneously convicted Fay. Fay was so miffed with this lie-detection test and the machines used in it that he started training inmates how to successfully pass this menace. Many inmates approached him openly confessing that they had committed such and such a crime and they would like to cheat the test. It seems Fay trained 27 inmates out of which 24 defeated the machine and won their freedom from prison. He would train a person for just about 20 minutes and they would pass the test with flying colours.

Narco test

The drug used in narco test is sodium pentothal. It was introduced for the first time in 1934 and its original name is sodium thiopental. After 9/11 this drug is said to have been used extensively in investigation. It is a type of anaesthetic. It starts acting within 45 seconds and the subject falls unconscious. It was used during World War II in treating wounds of soldiers. A lot of soldiers died due to overdose, but these deaths were kept secret till 1990. It is also used in euthanasia (death by choice). This drug has also been used in US to execute prisoners convicted to death.

It is necessary to understand why this lethal drug is used in narco test? It is also necessary to know the four stages of anaesthesia. The first stage is characterised by the onset of action. In the second stage, the effect of the drug spreads and induces sub-conscious and deep-sleep like state. After this, the subconscious state converts into unconscious state and this is what is referred to as third stage in which surgeries are performed. A patient can be brought back to his normalcy from this state. In the fourth stage the patient enters into coma and it is impossible to bring him back to normal from this stage. In most cases, the effect of drug on the subject in this stage is fatal.

During the narco test, the subject is sent into the second stage of anaesthesia, sub-consciousness and deep sleep. It is hypothesised that in this state of mind, a person is restricted to speaking the truth alone, because it takes thinking and mental activity to lie. Lying involves inventing a fictitious story and creating events in the mind that does not exist, whereas speaking truth is a plain activity.

The brain needs to overcome some obstacles, such as voluntarily suppressing the truth, going a step ahead and speaking the falsehood. On the contrary, in speaking the truth, no such hindrances are encountered. It is presumed that the drug used in this test neutralises the brain so that it does not trespass the stage of suppressing the truth. In such a condition a person is totally under the control of investigators / doctors. His reply to any question can be nothing but the truth. Imagine what information can be extracted if a person in such a state is asked smartly framed questions by expert psychologists.

But the question is, whether the principle on which this test is based is correct? Whether the test is based on scientifically established facts? Many psychologists are of the opinion that the claims made regarding narco test are not correct. It is said that many a times information extracted through these tests is incorrect and misleading. In short, it is not a reliable procedure. Yet, the investigative agencies go ahead and perform these tests on the pretext that "national security is more important than human rights."

There is a great danger in this test. The doctors can manipulate a person into saying whatever they want him to say. A doctor could even simply ask him to repeat his words and thus put implicating words in his mouth. This is exactly what has happened during 7/11 investigations.

Narco test is a torture

The narco test is a sort of chemical torture. The subject is made to go through this test against his will. His mind is hijacked. It has become routine for the police to tamper with the video recording of a subject's narco, telecast it on TV channels and tarnish his image in society. Long before the actual trial begins in the court, the accused is convicted in trial by media, and demonised as a deadly terrorist. Usually, this test is performed in hospitals, but sometimes it is also performed in the lockups. Torture is not just about inflicting pain, beating, bruising and breaking bones. A person can also be tortured in air-conditioned operation theatres by subjecting him to such tests without his consent.

The doctor and the narco

The drug used in narco is highly dangerous. That is why this test is performed in a civil hospital instead of a forensic laboratory. This test cannot be performed without expert supervision of a team of doctors which includes an anaesthesiologist to maintain the subject in second stage of anaesthesia, a physician to monitor the blood pressure, oxygen level, breathing pattern etc. In some cases, patient may suffer from obstruction of the respiratory tract. The doctors may need to make a cut in the neck and make an opening so as to facilitate breathing (cricothyroidotomy). The drug may also cause adverse effects such as nausea, headache, mental-instability etc. In view of all such possible complications, it is necessary that this test be performed only under the supervision of a team of expert doctors.

The police provide the doctors performing narco test with a questionnaire and inform them as to what information they want to be extracted. The doctors make the subject go through this suffering not to cure him or rid him of an ailment, but only to torture him and extract information. The doctors who's very duty is to save lives and relieve people of their pain, violate their oath and inflict pain on the subject at the behest of the police. We have seen what Dr. Malini and his team did with the men accused in 7/11 case. She tortured the accused to make them utter an answer desired by the ATS. Further, they video-recorded the session and sold it to the media. The media, in turn, telecast the tampered videos and projected the accused as demons to the world. This test has been heavily used in most of the well-known cases such as Abu Salem, Abdul Karim Telgi, Hyderabad bomb blast, Nithari serial murders case, Malegaon and 7/11 blasts case. These tests are conducted despite severe adverse effects such as coma and death. The investigative agencies are adamantly insisting that it be accepted as admissible evidence.

The legal status of narco

Constitutionally, a person has the "right to remain silent" and not to bear witness against himself. But the narco test deprives people of both these rights. It is an absolute desecration of the Constitution. India's renowned forensic expert Dr. P. Chandra Sekharan said in his research that the results are found to be

incorrect. For example: A person subjected to this test said that he had a child whereas in reality he did not have any. Another one confessed in his narco test that he had threatened to kill a particular person whereas he had died many years ago. Yet another confessed to have stolen some things whereas he had bought them from the market. According to Dr Sekharan: Narco is another name for replacing physical third-degree torture with its mental counterpart.

Why narco?

The Supreme Court in its verdict on 5 May 2010, said it very clearly that things like narco test, brain mapping *etc.* did not carry any legal significance and that the accused could not be subjected to these tests without his consent. The verdict further said that the findings of the test could not be treated as admissible evidence. Yet, the investigative agencies across the country subject several accused to these tests. The question is, why are the police so adamant on these tests? The answer is very simple: In this test the investigative agencies enjoy the luxury of making the suspect utter an answer of their choice, video record it, and make it look like he has confessed to have committed the crime. They can reap three huge benefits from the video recordings of narco. (1) Sell it to media houses and make good money. (2) Secondly, investigative agencies can show the recording to their political masters and earn a pat on the back in the form of promotion and deputation at places of their choice. (3) Thirdly, the IOs can show the same recording to the accused, fool him into believing that he has actually confessed and thus they can take his signatures on confession papers.

We must shed this misconception from our minds that narco test brings out only the truth. We have read what the experts say about it. So, if an accused is ever confronted with his own confession recorded during the narco, he must reject it without even an iota of doubt in his mind.

What to do during these "scientific" tests

1. The accused must intimate the court on the very first day that he is not ready for any kind of "scientific" test (such as narco, polygraph, lie-detection, *etc.*) whatsoever.

2. If the police has taken your signatures forcibly on the consent for test, then immediately alert the court through your advocate that you are being taken to the narco against your will.
3. Despite these measures, if you are still being taken to hospital for narco, then speak to the doctor and make it clear to her/him that you are not willing for any sort of test and that you have been brought there against your will. One must further caution the doctor that you will complain against her/him to the trial court and higher courts. They may try to deceive you saying: "What is your problem with narco? After all it is going to bring out the truth and if you are innocent, it will actually exonerate you?" If told so, our reply has to be: "I know very well the reality of narco and the police know very well that I am innocent. They are subjecting me to narco only to implicate me wrongly."
4. Do not say even a single word during the narco. Just keep quiet throughout the session.
5. If they irritate you with the same question repeatedly, start reciting *Kalima Taiyyibah* [Islamic credo of belief in Oneness of God and Muhammad's (PBUH) prophethood)] and *Durood* [a prayer for peace upon the Prophet Muhammad and his followers] in a loud voice.
6. The frustrated doctors and the police officers present there may start torturing you then and there. They may threaten you that they will inject HIV virus into your body. They may also threaten that they may administer a higher dose of the narco drug and send you into a state of coma. There is no need to be intimidated by these threats because killing an accused in custody may put the IOs (Investigating Officers) in deep trouble. That is why they will never even think about killing you.
7. Memorise the names of the doctors and police officers present in the operation theatre during the test. Note down their names somewhere, if possible.
8. Do not repeat the words they ask you to. For example, if they ask you to say: "I have not done the blast!" Do not do so. Just say: "I am innocent!"
9. Similarly, do not repeat negative sentences such as "I have not been to Pakistan." because they will tamper with the recording

and turn your negative sentences into implicating positive sentences by editing out "not".

10. If they subject you to narco in custody without court's permission, immediately inform your family and your advocate to complain regarding it in court and obtain an order for your full body checkup.
11. When you are subjected to narco at a hospital, write to the dean of the hospital through your advocate and complain against the doctors subjecting you to this test. Inform them you were subjected to the test against your will, and despite your refusal, the doctor put you through the test. Also, complain about the torture inflicted upon you during the test and demand action against the doctor who tortured you.
12. Immediately after the test, through your advocate or as soon as you reach the prison, write to the Indian Medical Council and complain against the particular doctor that he has committed treason to his profession and demand that his medical licence be cancelled.
13. Submit in detail to the court as to what questions were asked from you and what your answers exactly were.
14. Send a copy of all these complaints and related documents to the media.[a]

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[a] Most of the information regarding scientific tests has been taken from the booklet *Narco Analysis, Torture and Democratic Rights*, Peoples Union for Democratic Rights, 2008, New Delhi.

Chapter 5 : Indian Mujahideen

In this chapter we will discuss in detail the role of Indian Mujahideen and Sadiq Israr Shaikh in 7/11 case. On many occasions Sadiq chose not to answer the questions posed to him regarding 7/11 blasts. But, even if Sadiq had admitted before the court that he and his team had committed the 7/11 blasts, and asked to be convicted in this case, would the court set these 13 innocents free? Would the court have accepted his statement? No! We must not forget that this is the same court and same judge who had discharged Sadiq from the 7/11 case at the behest of ATS. Would a judge declare his own previous decision wrong and set 13 Muslim men free? The ATS would have claimed that Sadiq was trying to take the blame on his head to save those 13 men. They would have appealed for the case to be run against both the parties and convict whoever would be found guilty.

Just to massage their own ego and protect their reputation, the ATS falsely implicated 13 innocent Muslims. This chapter will prove how.

Defending witness: Sadiq Israr Shaikh

Aged 37, from Cheetah Camp, Trombay, Mumbai, Sadiq had given a witness statement in the court as defence witness (DW-33). The whole of his statement is on Exhibit-3719.

Introduction:

Since my childhood, I have been in Mumbai. I stay with my parents, my brother, his family and my family. After SSC, I did an ITI course and did my job till 2000. Then I came to Azamgarh with my parents. But, due to joblessness, I returned to Mumbai in 2007. I did a computer course and started working in a company called CMS. On 17 September 2008, I was picked up from outside my office by the crime branch unit III, Mumbai Police.

Arrested on the allegation of being IM

I was arrested on the allegation of being a member of Indian Mujahideen. They took me (probably) to a police station at

Wadala where senior inspectors Arun Chauhan, Dinesh Kadam and Deven Bharti were present. They tortured me the whole day. After continuous illegal detention of eight days, for the first time on 24 September 2008, I was produced in the Qila court. I was then taken in police custody. There were many other youth detained with me. I came to know their names after being sent to jail.

ACP Ashok Duraphe was our investigating officer. They imposed MCOCA and other draconian laws on me. The police claimed that there was an organisation named Indian Mujahideen and we are its members. They also alleged that we had caused many blasts and we were planning to kidnap certain people. During my police custody I was tortured by various police teams such as Mumbai crime branch, ATS, Delhi special cell, Hyderabad Octopus, IB, RAW, UPSTF, Bengaluru, Mangalore, Gujarat, Rajasthan Police *etc.* They interrogated me regarding various bomb blasts such as Gorakhpur blasts, Sankat Mochan Mandir Varanasi, Varanasi Railway station and blasts at Varanasi, Lucknow, Faizabad police stations, Shramjeevi Express, Makkah Masjid, Gokul Chat, Lumbini Park, serial blasts in Hyderabad, Bengaluru and so on. I have never been out of India.

Exaggerated claims about me

After the Mumbai Police submitted a chargesheet against me, the Ahmedabad crime branch arrested me on the allegation of involvement Ahmedabad Serial blasts. In Surat 25-30 bombs had exploded. Almost the same number of live bombs were recovered. The police claimed that we had emailed the Mumbai Police just about five minutes before the Ahmedabad blasts mocking them that the blasts were about to happen, saying: "Stop them if you can." Then I was arrested in Delhi blasts case. Two of the accused of this case Aatif Ameen and Chhota Sajid, were killed by the Delhi Police in Batla House encounter. Police also allege that I was in contact with Aftab Ansari. Iqbal Bhatkal, Riyaz Bhatkal and Amir Reza Khan were declared absconding wanted accused in this case. It is claimed in the chargesheet that all blasts that occurred in 2005 were committed by the Indian Mujahideen, such as Hyderabad, Delhi, Gujarat, 7/11 blasts 2006, UP, Jaipur *etc.* The chargesheet further alleges that I had been to Pakistan and had undergone weapons training in Lashkar's terror camps. They have also

submitted a confession attributed to me, in which I have allegedly claimed to have set off the 7/11 blasts. It says that incidents like Babri Masjid demolition, Mumbai 1993 riots and Gujarat 2002 riots hurt our feelings badly and we set off these blasts to seek vengeance. All these things are written in my confession papers which bear my signatures. But the fact is I was forced to sign on these papers under threat and torture. I was unable to bear the pain. (Sadiq's confession has been submitted in our case.)

My role in 7/11 (according to the Mumbai crime branch)

I do not know Iqbal Bhatkal, Riyaz Bhatkal, Amir Raza, or Sajid. I heard these names for the first time in my life in the crime branch office when they gave me a story to memorise. It was regarding the 7/11 blasts. Officer Dinesh Kadam had given me this story which was written in Hindi. The story was:

> Aatif and I hatched a plan in Azamgarh to set off blasts in Mumbai. According to the plan I met Abu Rasheed and Dr. Shahnawaz and recruited them for the mission. Abu Rasheed came to Mumbai and took a flat in Sewri on rent and started staying there with Dr. Shahnawaz. A few days later I too joined them at the flat. I arranged for the timers. Returning from Delhi Aatif brought Rs 50,000 with him. Then I sent Aatif to Riyaz Bhatkal to procure explosives. Eventually, Aatif involved Sajid also in the conspiracy. I got first class tickets for all conspirators and also bought train time tables. We studied the time table in detail. In the meanwhile, we also bought bags and pressure cookers from Sewri. We all gathered at the Sewri flat on the morning of 11 July 2006. Before this I travelled in local train from Churchgate with my four co-conspirators. We prepared seven bombs at our flat and packed them in bags. I took one such bag and left my Sewri flat for Churchgate. I planted the bomb in a first-class compartment of the train and got down at Marine Line station. Similarly, Aatif left with two bags from Sewri and I met him at the Churchgate station at a previously decided place. I took a bag from him, got into a train and planted the bomb in a first-class compartment and got down at the next station. I returned to the Churchgate station. Aatif planted a bomb in a train and got down at

> Dadar. According to the plan, both Sajid and Abu Rasheed were supposed to leave from our Sewri flat together for Churchgate. When I returned after planting the first bomb, I met Sajid and Abu Rasheed at the previously decided place. Then they got into the train and planted the bombs. Abu Rasheed got down at Dadar and Sajid got down at Bandra. After Sajid and Abu Rasheed, Dr. Shahnawaz was supposed to carry two bags and reach Churchgate station. Accordingly, he met me there. I collected a bag from him, planted it in a first-class compartment, got down at Dadar and finally returned to the Sewri flat. Similarly, Dr. Shahnawaz planted the bag, got down at Dadar and returned to Sewri. All the bombs did explode the same day according to the plan. Abu Rasheed dumped all the remaining materials in the Mahim Khadi. Two days after the blast, I and Aatif went to Azamgarh by train. Dr. Shahnawaz went to Lucknow. Abu Rasheed continued his stay at the flat and Sajid went to his flat in Andheri. The bombs were kept in three litre pressure cookers along with the timer and they were then packed in a travel bag. The bombs were timed to explode at 6:30 in the evening. These bombs were planted on the racks of the first-class compartments.

This story runs into three pages and I was made to memorise the whole of it. The police told me that I would have to recite the story before the camera. I recited the story for about 45 minutes in a relaxed manner and officer Dhamankar recorded my recitation.

Arrested in 7/11 case

In connection with this story the ATS arrested me on 21 February 2009. They imposed MCOCA on me and took me in police custody for 14 days. During these 14 days, the ATS tortured me badly. They were furious at me that my confession about 7/11 had discredited their investigation and implication of 13 innocent youth. They asked me: "Why did you narrate a story regarding 7/11 against our story?" I told them I did not narrate the story on my own, but that I was tortured and pressurised by the crime branch to do so. Now the ATS tortured me, asked me to retract my statement and revert from the story. Then they threatened me and took me to the magistrate saying: "The accused is intending to

make a statement in the court." Then they brought me to the ATS lockup. ACP Kamble told me that he would get all the paper work regarding my supposed statement before the magistrate. I was not produced before the magistrate, nor was my statement under section 164 recorded.

13 Innocent prisoners in 7/11 case

When I was in the custody of ATS, they gave me a story and asked me to memorise it and video recorded my narration. When I was in crime branch custody, officers Dinesh Kadam and Dhamankar had told me before recording my recitation: "We have worked in the ATS earlier and we know that all the accused arrested in 7/11 blasts case are innocent. We know that all of them are wrongly implicated and the fact is that actually you have committed the blasts. That is why we are registering this case against you." Both Kadam and Dhamankar had worked at the ATS earlier. Other officers also told me that 13 men had been wrongly implicated in 7/11 blasts case. I later came to know that an English news channel had telecast my video which was recorded at the crime branch.

In 2008, I was using an MTNL SIM card issued in my name. I used to contact my family and friends through this SIM. When officer Arun Chauhan arrested me, he took away my mobile.

Senior officers of crime branch, Rakesh Maria and Deven Bharti, would keep asking me about various blasts in the country and, especially, about the 7/11 blasts. I would keep telling them that I did not know anything about these blasts. It is true that they admitted before me many times that even after two years of the blasts, they did not know how the explosions were triggered, through timers, or through remotes? It is true that they used to admit before me that the ATS had implicated 13 dummies accused in the blasts whereas I (Sadiq) alone had done these blasts, according to them. They also told me that in Malegaon blasts too innocents had been implicated similarly. They used to often curse me saying, "13 innocents are going to be hanged to death because of you."

My confession in Indian Mujahideen case

I have not made any confessional statement before DCP Vishwas Nangare Patil. I was never brought in front of him to record my

confession in the first place. Although he had made me sign on some papers, I never knew what those papers were. The confession attributed to my name and submitted to the court says:

> I was in contact with Aziz Bhai through email and I had given him my passport. He sent me a tourist visa using which I went to Dubai in 2002. I met Amir Raza there and I worked at his shop. Amir Raza asked me to send youth for training and form a large group. Then I started sending youth to Pakistan for training following his and Riyaz Bhatkal's instructions. I recruited a group of 13-18 youth. When enough youth returned from Pakistan after terror training, Amir Raza asked me to show him some action. Accordingly, with the help of Riyaz Bhatkal, Arif Badr, Dr. Shahnawaz and other youth, I did blasts in Delhi, UP and Mumbai local trains. All of us stayed in contact with each other through our mobile phones. Our mobile numbers were: Mine 9969506112, Dr. Shahnawaz 09415834241, Abu Rasheed 9820805390, Riyaz Bhatkal 9730313929, Saif 94553758519, Arif Badr 9870911350.

The public prosecutor, Raja Thakare objected to the defence advocate about the fact that all these above said mobile numbers were in contact with each other before and after the blasts. The numbers were found in the locations mentioned in the crime branch story that the mobile numbers were in Sewri, Churchgate, Marine Line, Dadar, Azamgarh, Lucknow *etc.*

Disclosure statement in Delhi case and 7/11 case

It is not true that I have made a disclosure statement before ACP Sanjeev Kumar Yadav saying: "I have hatched the 7/11 conspiracy with Atif, prepared bombs and myself planted three bombs in the local trains." However, it is true that one such (false) statement has been submitted to the court under my name.

ATS saved me from 7/11 case

It is not true that I had told the investigating officers that five-litre pressure cookers were used in 7/11 blasts, that the cookers cost Rs 500 each, and that I had also shown the ATS the shop from where I had bought them. It is not true that I had shown the ATS

the shop from where we had allegedly bought the bags and that later it was converted into a footwear shop. It is not true that I told the ATS that during 7/11 blasts that I used to stay at a flat on the sixth floor, Raza Towers, Sewri Cross Road. It is not true that I had obtained keys from the owner of the flat, Abu Rasheed, lying to him that my relatives were arriving, so I would arrange for their stay there, but instead I used that place for bomb-making and transported bombs from there to Churchgate on the day of blasts.

Deal between me and ATS

I do not know the 13 men arrested in 7/11 blasts case. I did not even know their names nor had anyone told me. Nobody had threatened and pressurised me to help these 13 men. It is true that the police had filed chargesheet against me and 70 others, accusing that we had made blasts in many Hindu localities with the help of explosives and timers. They did not interrogate me whenever there were blasts in Muslim localities. If shown to me I can recognise the video recording of my recitation of the story concocted by crime branch regarding 7/11. It is not true that I am lying to save myself and my co-accused from conviction in 7/11 case.

(Strangely, Sadiq maintained silence when he was subjected to cross-questioning.)

Here are the details:

Defence advocate: "You have struck a deal with ACP Kamble and officer Mohite (ATS) according to which you are not supposed to take the responsibility of 7/11 on yourself, and in return they get you discharged from this case. Is this not true?"

Sadiq: "I do not wish to answer this question."

Defence advocate: "Are you reverting from your confessional statement? It is video recorded. You are lying now that you are not involved in 7/11 blasts because you want to save yourself from the ATS. Right?"

Sadiq: "I do not wish to answer."

PP's objection to CD being shown in the court

Defence advocate Wahhab Khan: "Your honour, I seek permission to show the CD of Sadiq's confession to the court. It was submitted by accused no. 12, Naveed."

Public prosecutor Raja Thakare: "Your honour, I take serious objection to the CD being shown. It has not been established in the court whether this CD is genuine or otherwise. We do not even know how and wherefrom this CD was obtained. Sadiq himself has not made this CD, so it must not be allowed to be played in the court."

Defence advocate: "Sir, Sadiq himself has confirmed that the CD was made and it was also telecast on a news channel. So, Sadiq is the person to recognise this CD. On one hand the public Prosecutor has not submitted the CD to the court, nor is he denying the existence of such CD and, on the other hand, they are stopping us from showing the CD to the court. The public prosecutor says that we must to prove that the CD has come from the crime branch."

The magistrate, after hearing the arguments on both sides, said: "It is true that the CD has been submitted to the court, but its authenticity cannot be established by showing it to Sadiq or anyone. Moreover, the CD submitted is nothing more than a 'hearsay' evidence. The defence advocate is denied the permission."

My role in 7/11 (according to the ATS)

When I was under the crime branch's custody, they had made me memorise a story regarding 7/11 and had video-recorded me reciting it. This story implicated me as the conspirator of 7/11. After that the recording officer Dhamankar took back the papers from me. On the other hand, when I was taken into ATS custody, they gave me another story, entirely different from the first one. They made me memorise the second story and recorded me reciting it on camera.[a]

According to the second story:

> During June 2006, I had been to Mumbai in search of a job. My wife's behaviour and my brother's behaviour were not good with me those days. I was disappointed and was thinking of returning to Azamgarh. I somehow came to know that a man from my town, Dr. Shahnawaz, was in Mumbai and was staying at Abu Rasheed's flat in Sewri.

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[a] For readers convenience we'll call the crime branch's story "the first story" and the ATS's story "the second story".

I contacted him and moved with him into the same flat. I thought I would return home after some days. During the same time, another person from Delhi, named Atif moved in with us. Atif had a friend, Sajid, who used to visit our flat to meet him. The Mumbai local train blasts occurred during the same period. One day we went to a utensil shop because Atif needed some, but we did not buy any that day as Atif did not like any of them. Atif bought a travel bag from Sewri. After the blasts, Atif and I went back to Azamgarh and Dr. Shahnawaz went to Lucknow. Atif again went to Delhi from Azamgarh. He returned from Delhi in December 2006. One day he came to me and said: 'We will have to take the blame of 7/11 blasts on ourselves because it is true that we were in a flat at Sewri, Mumbai, during that period. If we do not do so, we will face grievous consequences from Riyaz Bhatkal.' While returning from Mumbai, Atif had brought several print-outs regarding the blasts and time-table of Mumbai local trains. He further said: 'If we are ever caught, we will say, we had bought the pressure cookers and bags from the same area we had been to buy utensils previously. Then we made up a story about our role in 7/11 blasts and about how we executed our fictitious conspiracy.

The ATS asked me to repeat the story I had narrated on the crime branch's orders (the first story). Officer Khanvilkar, Sachin Kadam and ACP Kamble gave me this story again. They recorded me narrating the crime branch version on camera. It was written on a paper in Hindi and I was handed it about 4-5 days before the recording with orders to memorise it. In other words, it was about 20-25 days in ATS custody. The above-mentioned three officers and ATS chief Raghuvanshi would interrogate me. Officer Alaknure took back from me the papers on which the second story was written. I do not know what happened to that video recording or where it is.

I do not know anything about brain-mapping, narco-analysis, etc. I have not read anything about brain-mapping, narco-analysis, lie-detector, psychological profiling *etc.* in my chargesheet.

Defence advocate: "Were you using the mobile number 9969505112 on and before 11 July 2006?"

Sadiq: "I do not wish to answer this question."

Defence advocate: "The story you say you were given by the crime branch regarding 7/11, actually that is not a story, that is the absolute reality. Isn't it?"
Sadiq: "I do not wish to answer this question."

Cross-questioning by public prosecutor

I have ten cases registered against me across the country. It is true that the ATS had arrested me under the 7/11 blasts case, but later when they found nothing implicating against me, they discharged me from the case.

Analysis of Sadiq's statement

This is a weird case. When the ATS had arrested us 13 men, they had tortured us brutally only to make us take the blame of 7/11 blasts on ourselves so that they may claim to have solved the case. But in 2008 when the crime branch arrested Sadiq Israr Shaikh under the same 7/11 case. The ATS took Sadiq in their custody and tortured him to make him revert from his statement. They continued torturing him till he did as they said. All of this they did to save themselves from getting exposed.

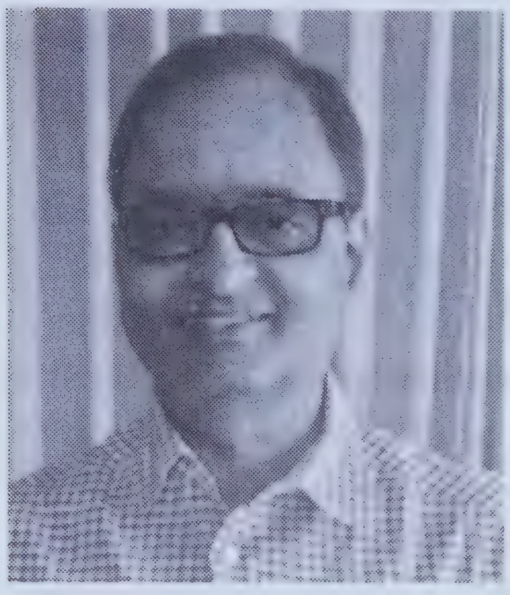
The defective law

Sadiq told the court that the Crime Branch video recorded his (forced, fake) confession and that it appeared in the media. The video recording (CD) has been submitted to the court. But the court did not allow the CD to be shown in the court in Sadiq's presence. Every accused in this case had seen the telecast of that CD on TV. We, the accused, requested the MCOCA special court that they see the CD at least once before pronouncing the final verdict. The court did not accept anyone's request. It seems like the court will never take a look at this CD because, according them, it does not carry credibility. This is the fundamental defect in man-made laws: they often prove helpful in setting a criminal free, but seek evidence, witnesses, confirmation and credibility to save an innocent from being hanged.

Sadiq's CDR and location

Sadiq had claimed that he along with Atif, Dr. Shahnawaz, Sajid and Abu Rasheed had caused the 7/11 blasts. After Sadiq's confession the defence Advocate requested the court to order the CDRs and locations of mobile numbers of all accused to be produced in the court. Sadly, the court turned down the request. According Sadiq, these were five bomb planters in the 7/11 case. Sadiq planted three bombs, whereas the rest planted one bomb each.

Public prosecutor expert in framing up innocents



The image is of the public prosecutor, Raja Thakare. The oath of an advocate clearly says that he shall always put forth the truth and truth alone, and that he shall play no role in falsely implicating an innocent. But, unfortunately, from day one, Thakare was hell bent on seeing us, 13 innocents, hang by the noose. He is hand in glove with ATS in collecting false evidence, bringing forth criminals as fake witnesses, forcing and tempting the accused to turn approver and help the ATS in scripting a strong and fool-proof chargesheet against us. Thakare would sit in the ATS chief Raghuvanshi's office and hatch the conspiracy. They would then together visit the Byculla jail to persuade the accused Abrar to turn approver. Amazingly, the government has appointed Raja Thakare as its public prosecutor in every case that involves false implication such as Aurangabad arms haul case, Malegaon bomb blasts case, 7/11 case, German Bakery case *etc.*

What if Sadiq had taken the blame on himself?

Giving his statement as a witness in the 7/11 blasts case, Sadiq chose not to answer four important questions.

First question: "Is it not true that the ATS struck a deal with you that you will not take the responsibility of 7/11 blasts and in return they will get you discharged from the case?"

Second question: "Is this not true that you are not taking the responsibility of blasts and lying about it only to save yourself and the ATS.?"

Third question: "Is it not true that you were using the mobile number 9969506112 before and during the blasts?"

Fourth question: "The story you and the crime branch invented... Actually, it is not a story, but your confessional statement. Is this not true?"

By choosing not to answer these questions, Sadiq has made the whole case suspicious. We do not know whether Sadiq has actually committed these blasts or not. But, except ATS, all investigative agencies of the country are saying Sadiq had done the 7/11 blasts. It is only the ATS that is claiming that the 7/11 blasts had been committed by the 13 men. Let us assume Sadiq takes the responsibility of 7/11 blasts on himself and his team. Then, would the judiciary have released us 13 innocent ones? Would only Sadiq be convicted in this case? Would Sadiq be spared allegations of blasts on him from across the country? Would Sadiq's statement have got the ATS punished for wrongly implicating us 13 innocents in 7/11 case? No! Nothing of that sort would have happened. We still would have languished in jail as usual and the court would have reserved its final verdict. In a nutshell, the decisions in the courts are not made on the basis of truth vs falsehood. They are based on the ever-changing tactics adopted by the police and investigating agencies according to convenience.

Sadiq's statement on oath regarding 7/11 case

Police arrested Sadiq Israr Shaikh in the 7/11 bomb blast case on 20 February, 2009. According to Sadiq, he was given a story to memorise and deliver the same in front of a video camera. Sadiq obeyed the orders. Thereafter, the Investigating Officer, ACP Bhagwan Kamble (ATS), wrote an application to the Chief Magistrate Mumbai saying that Sadiq wants to depose a sworn statement to clarify the facts about 7/11, therefore the Chief Magistrate should order a magistrate to record Sadiq's statement under Section 164. Thus, Kurla magistrate recorded the sworn statement of Sadiq at the order of the Chief Magistrate.

On 16 March 2009, the ATS claimed to have recorded Sadiq's statement on oath. According to the statement, Sadiq had done so

according to someone's instructions. Sadiq told the court: "Whatever I have told the crime branch and the ATS regarding the 7/11 case, all of it is false. I had given this misleading information for two reasons:

1. The deceased Atif had told me that we will have to take the responsibility of blasts on ourselves, or else Riyaz Bhatkal may get miffed with us and may create problems for my family.
2. Atif had also told me that if we took the responsibility of 7/11 blasts on ourselves it will benefit the 13 accused already languishing in jail, and Riyaz Bhatkal also. Thus, with an intention of misleading the investigative agencies I carefully weaved a detailed fictitious story. But when the ATS arrested me and subjected me to meticulous investigation, I realised my story had a lot of loopholes. So, I finally renounced it. I had no role in these blasts in local trains. I had falsely accepted the responsibility. We had concocted this story in December 2006. Atif had specially instructed me: "If and whenever we get arrested, we will tell this same story."

The ATS submitted a copy of this statement to the MCOCA special court and got Sadiq discharged from the case. Amazingly, Sadiq told the court that he had never expressed the desire to make a statement on oath to the ATS, nor had he made such a statement before any magistrate. Further, the statement on oath submitted in the court in Sadiq's name did not bear his signature.

The question is what prompted Atif to invent such a false story after six months of blasts? Investigative agencies across the country hold the opinion that Riyaz Bhatkal and Sadiq are familiar with each and they are key members of the Indian Mujahideen. If this is true, then it is difficult to imagine that Riyaz Bhatkal would threaten to harm Sadiq's family. It is also on record that in several cases of terrorism across the country, Riyaz Bhatkal has been a co-accused along with Sadiq. According to the second reason told by Atif, "accepting the responsibility would benefit Riyaz Bhatkal and the 13 accused in 7/11 case", it is hard to digest because, firstly, the ATS had not declared Riyaz Bhatkal an absconding wanted accused in the 7/11 case. Secondly, Riyaz Bhatkal's name did not appear in any of the blasts cases as an accused till December 2006. As far as benefitting the 13 accused was concerned, it would have been possible if Sadiq and his team had openly owned the 7/11

blasts before being arrested. Maybe, it also would have benefitted the 13 accused if Sadiq had at least stuck to his story till the end. Maybe, the 13 would have been acquitted and Sadiq would have been made the accused in this case. But, he had so little confidence about his own story that as soon as he was in the ATS custody he started thinking that his story had a lot of loop-holes and he ultimately renounced it. Neither did this story benefit Riyaz Bhatkal, nor the 13, nor was Atif's purpose of misleading the investigative agencies fulfilled. So, both the reasons that Sadiq quoted for owning up the responsibility of blasts are not justifiable.

According to the ATS version, only five persons knew about the false story of owning up 7/11 to be narrated on being caught. These five men were: (1) Atif, (2) Sadiq, (3) Dr. Shahnawaz, (4) Abu Rasheed and (5) Sajid. Out of these five, Atif is no more and out of the remaining four, only one, Sadiq, has been arrested. And it was pre-decided that this story was to be told only after his arrest to mislead the IOs. It is well-known that the Indian Mujahideen emails were appearing in the media long before Sadiq's arrest and IM had clearly owned 7/11 in their e-mails saying: "We (Indian Mujahideen) have done the 7/11 blasts." Copies of these e-mails have been submitted to the court. But, when Sadiq, after his ATS custody, renounced his own story, the matter must have ended there. But, no! It did not end there. The investigative agencies from across the country still continued mentioning in their charge sheets of various terror cases that Indian Mujahideen's Sadiq had committed the 7/11 blasts. This can be found in charge sheets submitted by Bengaluru Police, Delhi Police *etc.* It is enough to prove that Sadiq's retrieval of his own confession statement is nothing but a concoction of ATS minds.

Crimes of ATS

To earn laurels, ATS first implicated 13 persons in the 7/11 blast case. It tortured them, forced them to confess, took their signatures on confessional statements and procured fake witnesses in order to get the accused sentenced to death. Thus, it destroyed 13 families. Then, when Sadiq appeared as a claimant of 7/11 bomb explosion, ATS took him under custody and tortured him. As a result, Sadiq said he recants his earlier claim of executing the blast. Then ATS proceeded to get Sadiq discharged from the 7/11 case under

unacceptable pretexts so that it may save its own skin, uniform and honour. As a result, it prepared a fake statement in the name of Sadiq and presented it to the court. Thereby, ATS misled the court, got a favourable verdict and discharged Sadiq from the case.

You will be amazed to know that police secure an accused's confession or a witness's statement in front of a magistrate so that it may secure the conviction of an accused by a court. But in this particular case, ATS followed a strange path and got a statement recorded in front of a magistrate not against the accused but in his favour so that it may get a confessor exonerated and discharged from the case. Now Sadiq says that he deposed no such statement in front of a magistrate. This means that ATS was in a hurry to get Sadiq out of this case by any means. If the court had said there is no case against Sadiq and that he is discharged in the 7/11 case under Section 160 IPC, a message would have gone out that ATS did this in order to save itself. Thus, a fake statement was made up and presented to the court to show why Sadiq had accepted the responsibility of the blast. Thus, ATS hit two birds with one stone: it discharged Sadiq and at the same time tried to prove that the arrested 13 persons were the real culprits and that Sadiq was only trying to save these people. This also proves that the magistrate recorded a fake statement in the name of Sadiq under Section 164.

The court's attitude

The very day the ATS produced Sadiq in the MCOCA special court, the public prosecutor filed a plea and requested that the court pass a gag order on all media outlets from publicising any information regarding 7/11. The reason Thakare quoted was that the case was passing through a critical juncture. Contradicting reports in the public domain may incite conflict between the nation's various investigative agencies, and it may affect the investigation negatively. The court, without even bothering to ask the defence advocate's opinion, passed an order deterring the media from printing or telecasting any information related to the 7/11 case and warned that those violating the order would face three years of imprisonment and a fine. The courts are supposed to meticulously verify all documents submitted, and only then take them on record. But, in the Sadiq's case, how did the court accept his statement on oath without his signature on it? Also, the court

did not bother to summon Sadiq and ask him whether the statement on oath submitted in his name did actually belong to him or not? The court also did not bother to ask him, or the ATS, as to why the document did not bear Sadiq's signature?

Sadiq's narco

Sadiq had said in his statement that he had never heard about narco, brain-mapping or lie-detection. This means he was never subjected to these tests. But, the ATS sought permission from the court for his scientific tests and the additional commissioner of police Paramveer Singh went a step ahead and told the media that the ATS had run all scientific tests on Sadiq and had not found anything against him. *(Navbharat Times,* Mumbai, 22 April 2009, p. 3; *Hitavada* (English), Nagpur, 21 April 2009, p. 10) Narco is a convenient weapon at the hands of ATS. If they want to get an accused convicted, they can tamper with the video recording and see him hanging by the noose. On the other hand, if they want to get the accused acquitted, they can just not perform the test on him and yet tell the court and the media that they had not found anything.

Rakesh Maria's claim regarding 7/11

On 24 September 2008, the crime branch arrested five Muslim youth and claimed that they were members of an organisation called Indian Mujahideen. Mumbai police commissioner Hasan Ghafoor, crime branch joint commissioner Rakesh Maria and Deven Bharti addressed the press conference that day in the Mumbai press club and made these claims regarding 7/11.

Rakesh Maria:

> All the five arrested terrorists, namely: (1) Muhammad Sadiq, (2) Muhammad Arif Badr, (3) Fazal Usmani, (4) Muhammad Zakir Shaikh and (5) Muhammad Ansar were involved in the blasts that occurred in Mumbai local train on 11 July 2006 (also). The police were in search of some Pakistani terrorists wanted in the case. The same has been mentioned in the chargesheet. These five men are the same wanted Pakistanis. These arrested men claimed

> themselves to be Pakistanis in order to make themselves look more powerful and more important members of the terror outfit than they actually are. Since these five terrorists had been to Pakistan for terror training, their mannerisms are also much like Pakistanis and that the accused in 7/11 case had trusted these five terrorists of Indian Mujahideen. (*Urdu Times*, Mumbai, 25 September 2008, p. 1)

If Rakesh Maria's claims regarding 7/11 are true, then why did the ATS not believe them? Whereas the fact is even to this day the 7/11 chargesheet submitted by the ATS is silent and clueless regarding who planted the bombs in Mahim/Matunga. The ATS would have implicated Sadiq saying: "This is the person who had planted bombs in Matunga and had claimed himself to be a Pakistani." But the ATS did not do so. Because he was not just claiming to be involved in the 7/11 blasts, he was narrating a whole story as to how he executed all the blasts. Most importantly, Sadiq's story was directly contradicting the ATS story. So, the ATS thought if they implicated Sadiq in this case and narrated two contradictory stories in the same chargesheet, then all the 13 accused might reap the benefits of doubt and they too may be acquitted along with Sadiq himself. That is why the ATS deemed it proper to discharge Sadiq from the case to strangle the Sewri flat story. In effect, the ATS wanted to say it was okay if one terrorist was released, but 13 innocents must not be. Or, in other words, the ATS was denying a factual narration to protect their own fictitious story. When the ATS had arrested 13 innocents in the 7/11 case, Raghuvanshi was the ATS chief, and when they had discharged Sadiq from the case, even then Raghuvanshi was the ATS chief. Renowned journalist Amresh Mishra says Raghuvanshi is an RSS man (Khalid Shaikh's article in Urdu daily, *Inquilab*, Mumbai).

7/11: Third group claims responsibility

During 2010 David Coleman Headley confessed before the NIA's Loknath Behra team and brought forth a third story regarding 7/11. He said that the 7/11 blasts were not caused by Lashkar-e-Taiba, but by a Karachi set-up headed by Abdur Rehman Pasha. He further said that this Karachi set-up had trained youth from Gujarat and Maharashtra and it was mentored by the ISI colonel

Shah. (Saikat Datta, "Confession of Headley to NIA", *Outlook*, 11 October 2010, pp. 22-26)

Even to this day the ATS has not conducted any investigation on the basis of Headley's confession. Neither has the ATS made him the accused, nor even a witness in the case. Headley had made many tours to India for Al-Qaida. He had performed many recce operations and had assessed the targets. His name has come up as an accused in 26/11.

The Central government's stand regarding 7/11

On 25 February 2010, there was a meeting between the top officials from India and Pakistan. In this meeting, India's external Affairs secretary Nirupama Rao handed over an important dossier to her Pakistani counterpart, Salman Basheer. In this dossier, India had enlisted names of 24 wanted individuals. The dossier mentioned that they were involved in various cases of terrorism throughout the country and were hiding in Pakistan. It was appealed that they be handed over to the Government of India so they could be subjected to legal procedure and punished accordingly. Out of these 24 wanted, details of those associated with the case in discussion according to the police/ATS are as follows:

> Shah Riyaz Ahmed Muhammad Ismail Shah Bandari *alias* Riyaz Bhatkal: He is an engineer born and raised in Karnataka. He had procured 35 kilograms of explosives which were used in the 7/11 bomb blasts.
>
> Iqbal Shah Bandari *alias* Iqbal Bhatkal: This 42-year old ideologue of Indian Mujahideen is the master mind of 7/11 blasts. He provided all the logistic support for 7/11 blasts.
>
> Dr. Shahnawaz Alam: A 32-year old from Azamgarh, doctor by profession, returned to India after undergoing weapons training in Pakistan. He committed Varanasi blasts (2005), Mumbai local trains blasts (2006), New Delhi blasts (2008). In 2009, he again returned to Karachi and sought training again.
>
> (Shishir Gupta, *Indian Express*, 20 February, 2010, pp. 9, 10)

This is the Central government's stand regarding 7/11 blasts, according to which Riyaz Bhatkal, Iqbal Bhatkal and Dr. Shahnawaz were involved and are hiding in Pakistan.

Shockingly, there is an extreme contradiction between the Central government's stand and the ATS stand, because the ATS does not mention these names anywhere in its chargesheet, neither as accused nor as absconding wanted accused. Who amongst them is correct? If the Central government's stand is correct then the ATS must rectify their mistakes in their chargesheet. Or, if the ATS's stand is correct, then the Central government must not submit such an incorrect dossier to Pakistan, or at least correct the mistakes before handing it over. In any case, it is sure that one of them is wrong.

We have submitted the above-quoted page from *The Indian Express*. But, when we demanded the document from the Government of India through RTI, they did not give it to us. We wrote many letters to Pakistan embassy, but we did not get any reply from there. We also wrote to the renowned journalist Shishir Gupta and asked him for a copy of the dossier, but he too did not find it necessary to reply to us. Even after my release, I (the author) requested Shishir Gupta many times to give me a copy of the dossier, but he has not given me any positive answer even to this day.

The evil ATS

Sadiq Israr Shaikh had owned the responsibility of 7/11 before the crime branch and he had mentioned just a single sentence about the 7/11 blasts in his confession before a DCP. The ATS demonstrated extreme swiftness in arresting him because they had to get him discharged from the case so that there remained no contradiction in the case. This is the same ATS which had arrested nine innocent Muslims in Malegaon blasts case in 2006. However, in 2010 Aseemanand gave a confessional statement in a magistrate's presence stating it was he who had put forth the idea of blasts in Malegaon and it was his men who had planted the bombs there in 2006. But, the ATS did not demonstrate swiftness in arresting Aseemanand in this case, because they did not wish to see anyone getting discharged or released from the case. On the contrary, they wanted to make the case look suspicious and contradictory so that the Hindu terror accused got the benefit of doubt in the case and got acquitted. The NIA submitted a contradictory chargesheet in this case and arrested the Hindu terror accused. Nine Muslim

youth were ultimately discharged from the case but the government of Maharashtra filed an appeal against the discharge in Mumbai high court.

The riddle of pressure cooker

The ATS added the statements of a shop owner at Santa Cruz, Mumbai and his employee as witness. The owner had stated that two men had been to his shop to buy pressure cookers. He further said they seemed young and were constantly talking on their mobile phones. He said they bought 7-8 cookers, paid the bill and went away. The ATS says they prepared the sketches of these youth with the help of the shop owner and his employee and added it to the chargesheet. However, the ATS did not summon such important witnesses to the court. The IOs are of the opinion that these pressure cookers were not used in the blasts. So, the question is when the cookers bought from the shop were not at all used in the blasts, then what for were the statements of the shop owner and his employee recorded and the buyers' sketches attached to the chargesheet? The ATS does not have any answer to this question.

Yasin Bhatkal's confession regarding the 7/11 case

During August 2013, Yasin Bhatkal was arrested. He was accused of many blasts throughout the country. He had made his confessional statement before the NIA regarding 7/11 blasts saying:

> Bhatkal has claimed that the 7/11 blasts were the handiwork of the Indian Mujahideen led by Riyaz Bhatkal, and were carried by the Azamgarh module. This module was led by Sadiq Sheikh who was arrested in 2008 for other blasts in the country, and Atif Amin who was killed in the 2008 Batla House encounter. The 13 suspects arrested by ATS were not part of the IM.
>
> IM wanted to avenge the Gujarat riots of 2002, and hence carried out the bombings in first-class compartments of local trains that have a large number of Gujarati passengers.
>
> Bhatkal said that arrangements for the explosive materials had been made in Karachi, and were supplied to Riyaz through a person named Mullah Jalaudin *alias* Babu Bhai. The material was sent to Azamgarh and transported to

> Mumbai by two persons, whom he named as Ariz Khan and Arif Badar.[a]

Yasin Bhatkal's confession is in line with Sadiq's confession but is directly contradicting the ATS story. The ATS story says Ehsaanullah had brought explosives from Bangladesh. It is strange that even to this day the ATS has not arrested Yasin Bhatkal nor has questioned him further regarding 7/11. Who are Mullah Jalaluddin *alias* Babu Bhai and Ariz Khan? It has remained a secret even to this day and the ATS wants it to remain a secret forever.

When David Headley and Yasin Bhatkal's statements are seen together, they appear to be saying the same story that the 7/11 blasts were done by the Karachi set-up. In fact, Yasin Bhatkal said that:

> The blasts [7/11] were the first joint operation of Bhatkal and Azamgarh-based terror modules. Azamgarh-born Sadiq Israr Sheikh helped Riyaz in bringing the two groups together...The RDX used in the pressure cooker bombs was supplied to Riyaz Bhatkal by a courier named Jalaluddin Mullah alias Babu Bhai, who was arrested by the IB and UP Police in June 2007. The timer bombs were made by Azamgarh module bomb-makers Ariz Khan and Arif Badar.[b]

The police say that along with Yasin, Asadullah Akhtar *alias Haddi*, was also arrested and he too had made the same statement that 7/11 was committed by Indian Mujahideen. Despite all these statements, not only 13 innocent men were imprisoned, but were also wrongly implicated and convicted according to the ATS wishes.

Appeal in the high court for reinvestigation of 7/11

In view of all these aspects, renowned journalist Ashish Khetan conducted an investigation into the 7/11 case, went through all the witnesses, met all accused persons, examined all the evidence and reached the conclusion that all 13 men had been falsely implicated

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[a] Ketan Ranga, "7/11: Bhatkal statement poses problem for ATS", *Mumbai Mirror,* 18 Sept. 2013, p. 10.

[b] Shishir Gupta, "Yasin contradicts copy, claimed role in Mumbai train blasts", *Hindustan Times,* 17 Sept., 2013, p. 8.

in this case. Consequently, during September 2013, he submitted a PIL in Mumbai high court and made the appeal:

1. The ATS has falsely implicated 13 innocent men in this case, so the case be immediately handed over to the NIA and reinvestigated.
2. A ban be imposed on the trial of the case, in which these 13 men have been implicated on the basis of mere suspicion.
3. As long as the NIA does not complete the investigation and submit the report, all 13 accused be released on bail.

Unfortunately, the Mumbai high court rejected this PIL submitted in Sept. 2013. The response of courts is saddening. On one hand, they seriously consider every plea submitted by the police and governments, and pass judgement in their favour, on the other hand they adopt an apathetic and cold approach when it comes to the matter of Muslims.

I (the author) sent many letters to home minister P. Chidambaram, the succeeding home minister Sushil Kumar Shinde and the home minister of Maharashtra to hand over this case to the NIA, but I have received no response to these letters to this day.

In a nutshell, to this day this case is as ambiguous and suspicious as it was on the day one back in 2006, yet 13 innocents were implicated, illegally detained, arrested, tortured, projected and demonised as terrorists. False evidence was forged, fake witnesses were brought in and finally they were convicted.

All I know is that my 12 co-accused and I did not commit the 7/11 blasts. We do not know the reality of this case even to this day. We were innocent before our arrest, we are innocent to this day, and we shall be innocent after the final verdict on this case comes, no matter what the highest court of this country decides. The fact of the matter is we will always be innocent in the sight of Allah. We do not know if Sadiq has really committed the blasts. It is the police that is saying so. If the court does justice by acquitting us 13 innocents from the case and if Sadiq is also innocent, then there will stand a huge question before us: "Who did the 7/11 blasts?" And as long as the governments and police do not catch the real culprits, innocents will continue to be falsely implicated and anarchy will keep spreading across the country. Convicting

innocents despite contradictions is nothing short of murder of justice.

Defence witness: Muhammad Arif Badruddin

Confession in my name in the IM case

Age 44 years, from Sarai Mir, Azamgarh. After my early education, I took up *hifz-e*-Qur'an (memorising the Qur'an) course. I came to Mumbai and started living in Mumbra looking for a job. One day I was suddenly arrested by the crime branch. The police did not tell me for what crime they had arrested me. I have not made any statement of confession before any DCP, nor did I ever say that Sadiq often used to visit my home town to meet me and say that we had to stage bomb blasts. It is not true that he gave me Rs 500 and asked me to research how to assemble a timer and that I bought various clocks and attempted making a timer, but failed miserably. Afterwards I bought a clock of Samay company and finally succeeded. Then I assembled timers and handed them over to Sadiq. Then Saif came to me in January 2006 and informed me that Sadiq had asked me to assemble more timers. I then assembled 10 timers and gave them to Saif. After sometime I went to Saudi Arabia for a job. On 11 July 2006, when I saw the news of Mumbai train blasts on Sahara news channel, I was convinced that this must be the handiwork of Sadiq and his friends Atif and Dr. Shahnawaz. All of this has been written in my "confession" by the crime branch, and all of it is false. (Muhammad Arif's so-called confession has been submitted to the court as evidence.)

The 7/11 case CD gone missing

When I was in custody I was interrogated about various blasts by Rakesh Maria, Deven Bharati, Dinesh Kadam, Marve *etc.* They tortured and pressurised me to accept that I had assembled the timers used in 7/11 blasts at the behest of Sadiq. They asked me to falsely confess that I had committed the 7/11 blasts. They gave an already written story regarding 7/11 and asked me to memorise it. They later made me say the story before the camera and recorded it as my confession. (The defence advocate asked for a CD of this

recording, but the public prosecutor denied that any such CD ever existed.)

Statements under fear

I am aware of the fact that my statements will be used against me and I am worried about that. Regarding this the defence advocate asked me questions:

Defence advocate: "Is it true that due to this fear you are making false statements?"

Me (Arif): "I do not wish to answer this question."

I am aware of the consequences of making false statements in the court. Have I made any false statement in the court? I do not have any answer to this question. I also do not know what action the court would take against me if the public prosecutor proves that I have made false statements in the court.

(Muhammad Arif Badruddin's statement on oath ends here.)

Defence Witness: Ansar Ahmed Badshah Shaikh

The reason for arrest in the Indian Mujahideen case

Aged 40 years, a computer hardware engineer by profession, from Gandhi Road, post Palar, district Chittoor, Andhra Pradesh. Sadiq is my friend. We had been to the same school at Cheetah Camp, Trombay. I too was arrested along with Sadiq in the Indian Mujahideen case. They had arrested me regarding the email that was sent from Mumbai five minutes before the Ahmedabad blasts. They have also submitted a confession in my name, but the fact is that I have not made any confession. I was only made to sign some papers. (Ansar's confession has been submitted to the court.)

The reason for not answering the question

It has been written in the confession attributed to me that Sadiq told me that he had caused the Mumbai local train blasts that occurred on 11 July 2006. Why has such a thing been mentioned in my confession? I cannot disclose the reason.

Defence advocate: "Is it true that Sadiq told you that he had done the 7/11 blasts?"

Me (Arif): "I do not wish to answer this question."

The crime branch has alleged that all blasts that occurred during 2005 were committed by the Indian Mujahideen. They have mentioned in the remand application that we had done the 7/11 blasts. Whatever statement I have made, I fear, may be used against me.
(Ansar's statement ends here.)

Analysis of Arif and Ansar's witness statements

Similar to Sadiq's confession, there was a mention of the 7/11 case in Arif and Ansar's confessions too. That is why they were being summoned. They too told the court that they had not made these confessions and that they were forced to sign on some papers. Arif and Ansar did not give any answer to an important question and this rendered their witness statements suspicious once again. They fear that if they speak the truth (regarding 7/11), their statements may be used against them. They are not sure if this may benefit the 13 innocents implicated in 7/11 or not, but are scared that their own statements may bring them grievous consequences. That is why they chose not to answer the key question. It has been mentioned in Arif's statement that he used to assemble timers and give them to Sadiq. This means timers were used to trigger explosions in 7/11. But the ATS did not know about this till this day. They were not sure how the explosions were triggered. They were wondering what to accuse the men of? Use of remotes or timers?

Supreme Court's role

The crime branch claims that Sadiq, Arif and Ansar had confessed before three different DCPs of Mumbai in 2008 and had admitted to have played roles in 7/11 blasts. But all three of them stated in the MCOCA special court that they had not given any such confession and that they were forced to sign on some papers. In such a situation, there was no other way to confirm the matter except by summoning the DCPs as defence witnesses. Consequently, an application was filed in the MCOCA special court, but the special judge rejected it. Then the appeal was filed in the high court and Justice Abhay Thipsay accepted our plea and

permitted us to summon the DCPs for witness in the court. But the government of Maharashtra approached the Supreme Court against this order. There the judges declared the High Court's order wrong and cancelled it and rejected our plea. The Supreme Court said if the DCPs appear before the court and confirm that Sadiq, Arif and Ansar had confessed before them regarding 7/11, then the whole case built up by the ATS would crumble. In other words, it will be established that the 13 accused arrested in 7/11 case are innocent and they will have to be released. How sweet of the Supreme Court! It has all the heart to care for the ATS, but not for the 13 innocents wrongly implicated.

When a DCP appears before the court and states that he had recorded the accused's confession, the courts convict the accused person, but if the same DCP wants to appear before the court and make a statement that can establish the accused's innocence, he is stopped from appearing before the court. There is great lesson in this for those who pin high hopes on the Supreme Court.

Defence witness: Abdul Mateen Abdul Hafeez

Age 33 years, reporter working for *The Times of India* from Mumbai.

In his own words: "In 2005 I used to work for *The Times of India* as a crime reporter. On 28 February 2009, I had published my report in *The Times of India* regarding Sadiq confessing that he and his team had caused the 7/11 blasts. I was furnished all the information by the police. It is true that all reports that I have published in *the Times of India* are true." (Abdul Mateen's statement ends here.)

(We have submitted to the court, all the reports published in *The Times of India*.)

We had summoned Abdul Mateen and Ahmed Ali as defence witnesses in the court. They appeared before the court and established their reports published in *The Times of India*.

Reports published in the newspapers do not hold any credible value as admissible evidence. They can affect the opinion of masses, but they cannot benefit the accused in anyway. We read many reports and articles in newspapers and rejoice. But that

happiness is momentary. Even the judge reads the newspaper, but he does not make decisions on the basis of the news.

Defence witness: Siddiki Ahmed Ali

Age 41 years, reporter working for *The Times of India* from Kurla, Mumbai.

In his own words: I used to work for *The Times of India* in 2005. On 15 October 2008, I had published a report in *The Times of India* that Sadiq had set off the 7/11 blasts and that this was the opinion of the police. I was given all the information and photos by the police. (Siddiki's statement ends here.)

How to establish reports published in newspapers?

Courts make their decision only on the basis of evidence and witnesses. So, whenever a news is published that can benefit you in anyway, make sure to secure the whole newspaper (not the cutting) and submit it to the court. Then summon either the editor or the reporter under whose name the news is published. Then take it on record that on the basis of his report, this news was published. Find out the sources of news. If a photo is also printed along with the news, then enquire for the source of the photo. If the reporter gives you a satisfactory answer, then your submission is going to benefit you in the court. Now, the next task you have is to collect all the evidence and witnesses mentioned in the report or those concurring with it and present them before the court. Only then can you reap full benefits of the news and only then will the courts treat the news as admissible evidence, or else it is just a piece of paper that belongs to the dustbin.

Chapter 6 : The police state

A retired senior police officer has exposed the police department in a superb way. Retired IPS officer Vibhuti Narayan Rai says in his book:

> As a police officer I have witnessed many communal riots very closely. For me the most disturbing part was always the role of police. Every time, I observed that the police worked with a particular prejudice and an anti-minority mindset."[a]

During our police custodies and illegal detentions many police officers rebuked us saying: "Muslims are traitors of the country, creators of Pakistan, masters of terrorism and a burden on this country." Inspectors Khanvilkar, Varpe and Dhamankar would often threaten us saying: "We have all the power to kill any Muslim anywhere, anytime in encounter. We can get them hanged by the noose. We can implicate them falsely in terror cases. We can ruin your lives and nobody can so much as lift a finger against us." And this is exactly what has happened in 7/11.

German Bakery blasts, 13 February 2010

The ATS warns Himayat Baig

It was the month of Ramadan during 2013, when we were brought from the MCOCA special court back to Arthur Road jail lodged in *anda*-cell barracks. Some of the inmates informed us that the lone convict (Himayat Baig) in German Bakery blasts has been brought to the jail. Since the time for *iftar* (Islamic term for breaking the fast) was close, we went to give him some fruits. There we learnt that he had appealed against his conviction in the Mumbai high court and he had been shifted to this jail from Pune jail for hearing.

During the conversation we learnt that he too was an innocent like us and had suffered at the hand of ATS. What was worse, the ATS was successful in getting him convicted to death thrice. We

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[a] Vibhuti Narayan Rai, *Sampradayik Dange Aur Bhartiya Police* [Communal Riots and Indian Police], Radhakrishan Prakashan, 2002. p. 11.

were appalled listening to him. One day we had a detailed conversation with him:

Himayat: "I got scared and ran away from my home."

Me (the Author): "What fear?"

Himayat: "Fear of the police!"

Me: "How?"

Himayat: "During 2006, the ATS had arrested many educated youth from Beed and surrounding areas on the allegation of terrorism. I was scared the ATS would implicate me too. So, I left my home and started staying at Udgir."

Me: "What happened next?"

Himayat: "My fears came true when they arrested me and implicated me in German Bakery blasts."

Me: "Did you not complain and agitate in the court?"

Himayat: "I was heavily threatened."

Me: "Who had threatened you?"

Himayat: "Sachin Kadam. He had said if I opened my mouth, he would implicate my whole family in the case and nobody would even object to them."

Me: "What else did he say?"

Himayat: "He said: One by one, we will implicate each and every educated Muslim youth in terror cases. If ever the blasts stopped happening, we will implicate them saying they were planning for blasts."

Me: "Why did they do this to you?

Himayat: "He used say: 'We will push Muslims even below Dalits. We will make the condition of Muslims much worse than Dalits'."

Me: "That we are already."

Himayat: "He used to say, Muslims will have to live as second grade citizens in India. They will have to give up *namaz, roza,* symbols of Islam, masjids and live like animals in the country."

Himayat Baig's statement on oath in Mumbai high court

I am from Beed, Maharashtra. I have been here since my childhood with my family. My father would sell tea and fulfil the needs and necessities of our family. I was interested in pursuing my education so after doing my intermediate, I did a course and became a teacher. Since, I got admission to Pune D.Ed. College [Diploma in

Education], I had to move to Pune. Other than my friends at D.Ed College, I didn't know anyone. I never got into a fight or scuffle with anyone, nor was any police case registered against me. After completing my D.Ed., I stayed in Pune to pursue the B.A. course from Pune College.

Sri Lanka tour for business

My family was insisting that I had no need to pursue my studies further and I'd better return home, start some work and help them financially. I dropped my studies and went back home. There I was asked to take a welder's job. I wanted to complete my education and do a decent job, but I was pressurised by my family to do otherwise. So, I decided to leave home and go away. Those days I came to know that there was a huge demand for Indian products in the neighbouring countries, especially the products made in Mumbai. I got my passport in 2002-2003, with a desire to go to Saudi Arabia, or Dubai and do a good job. It does not take a visa to travel to Sri Lanka and the expenses too are not high. So, I bought readymade dresses and perfumes from Mumbai and went to Sri Lanka to sell them. I travelled from Chennai airport since the expenses from Chennai are less. I sold all the dresses and perfumes in Sri Lanka. I even made profits but the language barrier, Tamil and Sinhalese, made it difficult for me. Ultimately, I sold everything and returned to India in March 2008. I did not meet any suspicious person there, nor did I indulge in any illegal activity.

Shift to Udgir (Latur) for job

After staying in Sri Lanka for 15-20 days, I came back to India and started looking for a job. I came to know that a person named Khurshid Sir provides jobs. So, I went and met him. He got me a job in Al-Saba coaching classes. It was during the end of 2009. Two men named Ghaus and Abdur Raheem used to take classes there. I got well acquainted with them. At the same time, I started preparing for D.Ed. and CET [Combined Entrance Examination] there. The teachers were given rooms to stay on the upper floor of the classes. I used to visit Aurangabad to meet my relatives there. I also had a friend named Wasi there.

Attend a religious programme

During January 2010, in Udgir (Latur) one day when I was leaving after my prayers, a kid gave me a pamphlet outside the masjid. It was an invitation for a programme regarding "reservation for Muslims" in Pune on 31 January 2010. I attended the programme along with a friend. The ATS alleges that I had been to Pune to conduct recce for the German Bakery blasts. I have never been to German Bakery in my life. On 13 February 2010 there was a blast in German Bakery, Pune. The ATS succeeded in getting me sentenced to death, by showing the CCTV footage of the day of the blasts. But the same ATS is not ready to show CCTV footage of 13 days back, of 31 January 2010, the day they alleged that I had been to the bakery to perform recce. If the CCTV footage of 13 February 2010, can be shown to the court, why not that of 31 January 2010?

The fake story about mobiles

I returned to Udgir after attending the programme. Wasi, a friend from Aurangabad, phoned me to say that his wedding was on 12 February, 2010. He told me that I should reach his place two days earlier. I promised to oblige him but I could reach Aurangabad only in the morning of 12 February. ATS concocted a story that during this period I had gone to Mumbai, purchased a mobile phone there, left it with a young man and went back to Udgir. ATS called one Ilyas Mansoori to witness that I bought the mobile phone from him. ATS claimed that I had left my mobile with a teacher called Zaki. They intimidated and forced Zaki to be a prosecution witness. If I had really left my mobile with Zaki Ansari, it should have recorded his voice. ATS is claiming that the mobile was functional during this period. If so, why the recording of calls made through this mobile were not produced in the court?

The proof of my innocence

The ATS alleges that I, along with Yasin Bhatkal, had assembled bombs in a cybercafe in Udgir during the night time. The cafe does not belong to me. Then how come would I be allowed into it at night time? The police are unable to give any answer to this question. The ATS also alleges that Yasin Bhatkal and I had

travelled with the bomb from Udgir to Pune, but the truth is that I was in Aurangabad at my friend Wasi's marriage. I did not call Wasi and his brother Muntakhab to appear before the court and bear witness for me as I was in jail and I had no means to contact them. My friend Atik Shaikh also is a witness to the fact that I was in Wasi's wedding on 13 February 2010 and not in Pune. Atiq had called me that day and we had attended the wedding together. He did appear before the court and bear witness in my defence, but the court did not accept his statement.

Rizwan Baig commits suicide

I was in Aurangabad for a friend's wedding from 12 to 14 February 2010. Many people met me there. My aunt's son Rizwan Baig also attended the wedding. The ATS pressurised and threatened him to give false statement against me. Unable to take the harassment, he committed suicide in 2013. After Wasi's wedding I went back to Udgir and continued my job at the coaching institute. I also appeared for the CET exams I was preparing for. My life was sailing smoothly.

20 days of illegal detention at the ATS

On 19 August 2010, I had been to Latur to buy some books for D.Ed., CET. I bought the books and came to the bus station to catch a bus back to Udgir. In the meanwhile, I saw 2-3 missed calls on my mobile number. Finally, I received the call and we had this conversation:
Me (Himayat): "Hello?"
Unknown: "Where are you?"
Me: "I am in Latur at the bus station. Who are you?"
Unknown: "Had food?"
Me: "Yes, I had. But who are you?"
Unknown: "I am so and so (unknown name) speaking."
Me: "Wrong number!" I hung up the call after this.

In about 5 minutes 6-7 men surrounded me and kidnapped me at gun-point. They took me in a Tata Sumo to the Pune ATS office. There I was brutally beaten by assistant police inspector Rajnish, *hawaldars* Kosthambh, Lokhande, Shabber, Usman, Ankush Jadhav and other. They used my private parts as ash-tray and

burnt them badly. The next day I was subjected to third-degree torture by senior police inspectors Peter Lobo, Sabnis, *hawaldars* Suwre, Prabhakar, Imran, assistant police inspector Thorke and others.

Rakesh Maria's threat

I was mercilessly tortured from 19 to 21 August and on 22 August I was taken to Mumbai ATS. Officers Varpe and other there stripped me naked and gave electric shocks to my private parts. Dinesh Kadam, Sachin Kadam, *hawaldar* Bagwe, Aakash and others again inflicted third-degree torture on me. I was then taken to Rakesh Maria:

Rakesh Maria: "What is your name?"
Me (Himayat): "Mirza Himayat Baig."
Rakesh Maria: "What have you done?"
Me: "Sir, I have done nothing. I am innocent."
Rakesh Maria: "We were about to kill you in an encounter."
Me: "Sir, I am innocent. Don't kill me."
Rakesh Maria: "But we let you live."
Me: "Sir, please let me go. I am innocent."
Rakesh Maria: "Remember if you ever mention this torture before the court or anyone, we will kill you and throw your dead body away. Nobody will ever know."
Himayat: (Looking at Rakesh Maria in fear and disbelief.)
Rakesh Maria: "Take him away now."

Then they brought me back and subjected me to electric shocks and third-degree torture day and night.

Unable to catch the real culprit, so implicating you

In the meanwhile, the ATS obtained all my call data record and mobile location and interrogated me thoroughly regarding whom I had called during January and February 2010, what conversation I had, where had I been *etc.* I kept answering all the questions fearlessly. They continued torturing me from 22 August to 8 September 2010. ACP Vinod Satav came on 8 September. He sent everyone out of the cabin and we had this conversation:

Vinod Satav: "How are you?"
Me: "Look at me, Sir. They have beaten me like an animal."

Vinod Satav: "I cannot do anything about it."
Me: "I am innocent. Why am I inflicted this torture?"
Vinod Satav: *"Had I not been to Hyderabad on leave, I would not have allowed them to arrest you for German Bakery blast."*
Me: "Why are they doing this to me, Sir?"
Vinod Satav: "Because we are unable to catch the real culprits of the German Bakery blast."
Me: "You mean you people implicate innocents when you don't get the real culprits?"
Vinod Satav: "But I assure you, as soon as we catch the real culprit, I will get you released!"
Me: "Till then? You mean I will have to keep the blame on my head till then?"
Vinod Satav: "I am helpless. I cannot do anything now."
Me: (in tears...) "Sir, please. Implicate me in some other case... no problem... but please do not put me in this case of terrorism."
Vinod Satav: "Had I been in Pune during August, I would not have let anyone take you to Mumbai. But, all of this happened before I came."
Me: "On who's orders am I being implicated, Sir?"
Vinod Satav: "Rakesh Maria and Dinesh Kadam are not giving up. They are hell bent on implicating you in this case."
Me: "Sir, have mercy on me, please. Do something... find some way out, please."
Vinod Satav: "I cannot do anything."

With these words, ACP Vinod Satav left the room as I stood there crying over my miserable condition.

A visit to the German Bakery with the police

On 23 August 2010, Dinesh Kadam, assistant police inspector Sabnis, Patkar and the driver Akash took me near the German Bakery in Pune. Dinesh Kadam showed me the bakery from the window and made the vehicle stop near the closed garden at the Central Mall. Driver Aakash got down from the vehicle and went to a nearby PCO. He made a call from that PCO and came back. He informed Kadam that the coin-box (PCO) was working and that he had called on his mobile number from the coin-box and noted the number. Then they took me to Mumbai.

Arrested in German Bakery blast and advocate's apathy

On 28 September 2010, they took me to the Pune sessions court. Before producing me in the court, they had taken me to the hospital, but I was not allowed to talk to the doctor. I was threatened with further electric shocks on my private parts. I was scared, so I did not speak in the court. I got a sense by the proceedings that they were implicating me in the German Bakery blast case. They took me in police custody and a series of torture sessions began again. They had threatened me saying: "Keep quiet in the court and do not say a word to the magistrate, or else we will implicate your brothers too in this case. We will make your brother-in-laws divorce your sisters. Look there, your brother-in-law is sitting and he said he had already divorced your sister." When I was produced in the court, all the advocates and the members of the Bar Council were sloganeering against me: *"Himayat Baig, Murdabaad; Aatankwadi Baig, Murdabaad; Desh Drohi Baig, Murdabaad; Himayat ka case nahin ladheingey!"* (Death to Himayat Baig. Death to the traitor. Death to the terrorist. We will not fight Himayat's case.) Everyone was already sure I was a terrorist. All the news channels were running stories about the German Bakery blast. At the ATS office all of them were watching the news and were laughing at me. They mocked me saying: "See how big a person we have made out of you. Your photo is all over the TV today."

Fake recovery of RDX

I later came to know, the police had claimed to have seized RDX from me. I have never even seen this thing, let alone keep it. The ATS claims that RDX remaining from the German Bakery blast was seized from me. This is a usual tactic played by the ATS. In the Malegaon blasts 2006 case, the ATS claimed that the RDX was seized from Shabbir Maseehullah, but the NIA declared this claim was false. The ATS had claimed that the RDX remaining from 7/11 was used in Malegaon blasts case. So, if the Malegaon blasts case is fake, it means the 7/11 case is also fake. If all these cases are handed over to the NIA, the truth may come out, hopefully.

How was explosion triggered: Remote or timer?

The ATS has made this false allegation on me that my mobile was used in German Bakery blast. But, on 11 November 2011, Delhi special police arrested Qateel Siddiqui, who had confessed before them that he had staged the German Bakery blast. He had said that the explosion was not triggered using mobile, but it was done with an alarm clock incorporated by him and his team. Qateel had told the same thing to the Bengaluru Police. He had also informed the police that they had assembled the bombs at a rented house in Pune. Despite this the ATS Maharashtra did not arrest Qateel in the German Bakery blast case, but they filed an FIR and arrested him for a separate case of blast at a temple in Pune. The ATS forged a false story that the bombs used in German Bakery blast were assembled at a place 300-350 km away at Udgir and then these live bombs were transported to Pune in a bus. Would any sane man travel for 14-15 hours with live bombs? Impossible! Such impossible actions were made to look possible in the court with the help of false witnesses and I was ultimately convicted.

Qateel Siddiqui's statement evidence of my innocence

Qateel Siddiqui had confessed to the police that they had intentions of setting off blasts at two sites at the same time. According to his statement he, along with Yasin Bhatkal, had staged these blasts. I am nowhere involved in this. If the ATS accepts Qateel's statement, they will have to release me, but the ATS had already submitted the chargesheet against me. That is why they rejected Qateel's statement and let go the actual perpetrator. (This is the same game the ATS had played after Sadiq had come up with his confession to have committed the 7/11 blasts.) Just to save their name and reputation, the ATS implicated an innocent and even got him sentenced to death. The Delhi special cell ACP Sanjeev Kumar had interrogated Qateel and he had stated before the court that Qateel had played an important role in German Bakery blast. All of this has been mentioned in writing in the chargesheet against Qateel submitted regarding the Delhi case. The chargesheet explains in detail how the German Bakery blast was done. All details were told to Sanjeev Kumar by Qateel.[a] I request the court

[a] Sanjeev Kumar was a DCP when the author wrote this manuscript.

to summon Sanjeev Kumar and take his statement on record. I also appeal to the court to ask Sanjeev Kumar to submit the investigation report he has regarding Qateel Siddiqui. I also request the Mumbai high court to order the copies of statements made by Qateel to the Delhi and Bengaluru Police.

ATS's weird story

The ATS Maharashtra has accused me that on 13 February 2010, I along with Yasin Bhatkal, travelled in a private vehicle from Udgir to Latur and from Latur to Pune. They further allege that at Mahatma Gandhi Bus Stop in Pune we caught an auto to the Pune Railway station. Then we took a second auto which dropped us near Bund Garden and in front of Pune Central Mall. To prove their point the ATS produced a local auto-rickshaw driver in the court, who was actually a police informer and was in constant touch with them. He narrated the story he was made to memorise. The ATS also claims that I ran away to Aurangabad on a two-wheeler and that I rode the bike so fast that I reached there in a few hours. The whole ATS story is false. The question is when we had taken pains to travel in a private vehicle to Pune and hire an auto where did this bike come suddenly come from? What is the model, number and owner's name of the bike? Neither did the ATS provide any answer to these questions nor did our honourable court ask them. Yet they sentenced me to death.

Pune jail staff's attitude

From 19 August to 7 September 2010, I was illegally detained. From 7 September to 28 September 2010, I was under police custody. On 28 September 2010 I was sent to Yerwada jail, Pune. I had seen the jail for the first time in my life. As soon as I was sent into the jail, a jailor started hurling abuses at me. There was an atmosphere of fear. I was locked in *anda*-cell alone and was not given anything to eat. I was locked in a room of 7x7 for six months and was not taken out even for some time. During this entire period, I was not allowed to meet another prisoner, nor to talk to anybody. My family visited the jail many times to see me, but they were not allowed, and ultimately, they had to return with a heavy heart every time. My letters were stopped from being sent out of the jail. I requested the jail authorities many times to let me write

to my family so that I may hire a good lawyer to fight my case because the Pune Bar Council had condemned me and had collectively refused to fight my case. But the jail authorities did not grant me any of my requests. When the ATS was leaving me at the jail they had threatened me not to write to any one from the jail, nor meet anyone. They had said they would send me some money orders. They said they would hire an advocate for me. I must keep quiet, not send any letter or application to anyone, and I would be released soon. "We are in search of the actual culprit as soon as we find him, we will make you an approver and get you released from here," they said. You will only say to the court whatever we tell you to. If you open your mouth in the court, file any application, or send an RTI query we will make you rot in the jail for your entire life. Whoever be your advocate, we will talk to him, we will give him the fees. You just let the case proceed.

The defence advocate

An advocate named Abdur Rehman came to the jail and took my signatures on my *vakalatnama*. The ATS said he was a good advocate. Let him fight your case. I put my trust in him, because I did not have any other option. ACP Vinod Satav came to me and said the advocate was his neighbour, an old friend and he was a good fellow. He said he would talk to him regarding me. ACP Vinod Satav would talk to me with a lot of affection, so I believed him. Vinod Satav took out a paper from his personal diary and showed it to me. It was his resignation letter. He told me he had written this when I was taken under illegal detention. He said he had put up his resignation, but Rakesh Maria did not accept it. "I do not like to see innocents being implicated." He said if he stood against the ATS, he would be transferred to some other place. That was why he said he was silent. He would console me saying I was innocent and there was no evidence against me. I also got a chance to talk to the public prosecutor, Raja Thakare. He too would assure me saying: "Himayat you will be free soon." And so on. Till the day I was sentenced to death, I was fooled in the same manner and kept in the dark.

Not given a chance to defend myself

When the ATS gave me the chargesheet in the court, advocate Abdur Rehman took it from me and went away. When I asked for the chargesheet from him, he mocked me saying: "What will you do with it? What will you understand? I am fighting your case. You don't worry." Thus, I did not get a chance to even take a look at my chargesheet till the day of my conviction. I never understood what was going on in the court because I was not acquainted with the English language. Even to this day, I am not told how many pages my chargesheet contains. Throughout my case my advocate had come to meet me only once and without listening to me completely he went away in a hurry. Whenever I would try to say something in my defence, my advocate would silence me and say: "You just keep quiet! I am doing everything." I would get extremely worried, but I was hopeful of the court that it would not convict innocents. However, the outcome was totally opposite. Those who died in the German Bakery blast were innocent and the one who got convicted in the blast was also innocent. On the contrary, the unjust officers were adorned with medals and promoted to higher positions.

Pain of torture even to this day

The Pune Bar Council had boycotted me due to which I did not get a good advocate to defend myself. I wanted to make a statement on oath, I wanted the defending witnesses to be summoned in the court. But I was stopped from doing so. After being awarded death sentence, when my case reached the high court in 2013, I was for the first time given my chargesheet. There is a huge difference between advocate Abdur Rehman's experience and that of advocate Raja Thakare. I did not get enough chance to defend myself. Further, they had taken my signatures on some papers forcibly. I would do everything they asked me to due to the fear of third-degree torture and I kept quiet all through. Even to this day, there are marks of torture on my body. Even to this day, I bleed from my penis and anus, and even to this day I suffer pain.

Qateel Siddiqui killed in Pune jail

On 8 June 2012, Qateel Siddiqui was killed in Yerwada jail. He was the only living proof of my innocence. He was shifted to Pune jail only eight days back. I saw him for the first time in my life. The Pune jail superintendent Khataukar called me and said:

Superintendent: "Look Himayat... We are shifting your co-accused Qateel Siddiqui to your neighbouring cell. Do not meet him, nor try to talk to him."

Me (Himayat): "Sir, I am innocent and I don't even know this Qateel. When did he become my co-accused? And why would I talk to him?"

Superintendent: "Talk to anyone you want, but just don't talk to him."

Me: "Sir, he is locked in another part of the *anda*-cell. It is impossible for me to talk to him!"

Superintendent: "Okay." (And he left.)

After sometime I came to know that Qateel had been locked in some gangster's block. They were abusing him and wanted to kill him.

One day Shedke Major was on duty. He was a good person. That day when my cell was opened for food, Qateel's cell was also opened for him to get water. Shedke introduced us to each other near the duty guard. We were not familiar with each other till then. We had this conversation at that time:

Qateel: "*Assalamu 'alaikum*"

Me: "*Wa'alaikum assalaam*"

Qateel: "So you are Himayat Baig, the one wrongly implicated in German Bakery case?"

Me: "Yes brother. I am the wronged one."

Qateel: "I don't like the inmates and staff of this jail, especially the *anda*-cell inmates. They are horrible with me. I am feeling scared in this jail, especially the *anda* cell."

Me: "I cannot do anything brother. I myself am imprisoned here and have been falsely implicated in German Bakery blast."

Qateel: "Yes, I know. You are completely innocent. I am hopeful that you will be released from this case."

Shedke interrupted us and said: "*Sahab* had asked you not to talk to each other. He must be coming anytime now. Go back to your respective cells."

I then came back to my cell. I did not get to talk to Qateel again. I would just take a look at him while being taken to the court for hearing. I had seen him on the morning he was killed. On 8 June 2010, in the morning I was taken to the court. At about 11 am, my advocate told me that Qateel Siddiqui had been murdered in the jail. My heart started palpitating and I began crying. My evidence of innocence was destroyed. He was deliberately locked in the gangsters' section so that they got him killed. Who did all this? You can make it out easily. That it is the handiwork of the ATS. Qateel's family registered a case in the National Human Rights Commission against this murder. During May 2016, the Human Rights Commission ordered the authorities of Pune jail to pay Rs 5 lakh to Qateel's family as compensation. After much ado, the jail authorities handed over this amount to Qateel's brother on 4 January 2017.

When the ATS had detained me illegally, my mobile was with me. As many days as I was under illegal detention, the ATS men kept my mobile on, so as to give an impression that I was free and not detained. I again went back to Pune and took admission to continue my studies. The date of my admission chronologically comes after the German Bakery blast. Would a criminal continue his study at the same place where he committed the blast? The court ordered all documents regarding my admission. The court would have felt that I was innocent, because I had stayed in Pune and pursued my studies.

Who is Anwar Malik?

On 17 July 2013, *The Indian Express* published a news that the Kolkata Police had arrested a person named Anwar Malik? They had confiscated counterfeit currency from him. It was claimed that he was a close associate of Yasin Bhatkal and that he was the one who had supplied ammonium nitrate for the German Bakery blast. It was also said that he had done the same for other blasts across the country. The ATS, without arresting him, told the media that they had interrogated Anwar Malik for the German Bakery blast and had found no role of his in the act so he was given a clean chit.

I request this court to order the NIA to investigate Anwar Malik for his role in German Bakery blast because the ATS is telling a thousand lies to hide one lie.

I also request the court that whenever a new accused is caught in the German Bakery blast case, the case be not handed to ATS, because they will invent a thousand lies to hide the truth. So, whenever Yasin Bhatkal and others are arrested, they be investigated by the NIA.

Abdus Samad Bhatkal's photo

The ATS piled up lies upon lies to wrongly implicate me. Abdus Samad Bhatkal is a look-alike brother of Yasin Bhatkal. He was arrested by the Mumbai Police in German Bakery blast. His photo sketch was published in newspapers. Later, he was released saying that Abdus Samad was innocent. The ATS misled the court by lying that the *Sakal* Marathi newspaper had printed Yasin Bhatkal's sketch instead of Abdus Samad's. It is not true that I had met some Faiyyaz Kagzi when I had been to Sri Lanka. I had not undergone any jihadi training in Sri Lanka, contrary to the ATS claim.

I am not a terrorist

I am not a terrorist. Contrary to the ATS claim I am not an IM or Laskhar member, nor do I know anything regarding them. I have never met the accused wanted or absconding in this case. Their names mentioned in the chargesheet are: (1) Muhsin Chaudhary, (2) Yasin Bhatkal, (3) Riyaz Bhatkal, (4) Iqbal Bhatkal, (5) Faiyyaz Kagzi and (6) Zabih Ansari.

I did not ever try to hide my real identity. On the contrary the documents of my identity were snatched away from me and hidden away. I did not own a cyber cafe at Udgir, nor was any registered to my name in February 2010. I did not make any statement before the ATS pointing out to them to seize objectionable materials. In fact, all the things allegedly seized from me were planted by the ATS. According to the police, a person named Abdus Samad Khan had mentioned my name in his confession. But I do not know any Abdus Samad Khan. The ATS submitted that confession to the court and got me convicted on its basis whereas the truth is the confession has not been established even to this day.

Why no missing complaint filed

I do not know how to drive a vehicle. I do not possess any driving licence. Then, how is it possible that I ran away on a bike on the day of the blast? The truth is I was in the police custody and subjected to torture all the time. Whenever they produced me before the court, they would threaten me to keep quiet, or else they would torture me further. That is why I would always stand quiet in the court and would not complain against them. Since I used to be out of home for long intervals for study, my family did not suspect anything when I was illegally detained for 20 days by the ATS. This is why family members did not file a missing complaint. After I got my chargesheet, I came to know that the police had registered a case against me in 2008.

The witness testified against me under pressure

All the witness statements made against me in the court are false and are made under fear and pressure. The witnesses were scared that if they did not testify against me, the ATS would implicate them too in some blast case like me, or they were Malegaon blasts accused who had to rot in jail for five years without any reason. NIA got these youths released on bail, yet the ATS was not questioned as to why these innocent people were implicated wrongly. The masses are terrorised by the ATS. That is why they unwillingly make false witness statements when the ATS asks them to.

German Bakery blast: A few questions

My advocate posed many questions before the court. I have put forth all the information regarding my life and the German Bakery case I had to the best of my knowledge. The two expert and experienced judges of the Mumbai high court can easily make out the reality of the case, yet I want to pose a few questions before the court:

1) The ATS is an agency which implicates innocents in false cases. The Malegaon blasts case, 2006, is the latest example of their false implication. The NIA rejected the ATS story and got nine innocent Muslim youths released on bail. How correct would it be to believe whatever the ATS says about my

role in German Bakery blast was the divine truth? How correct it would be to send an innocent to the gallows?

2) The investigating officers of my case have been already accused of implicating innocents. Complaints have been filed against them in the court that they detain innocents illegally, inflict third-degree torture upon them, pressurise them to turn approver, forcibly take signatures on some papers and pretend before the court to have recovered RDX from the detainees. Some such officers are Sachin Kadam, Dinesh Kadam, Kolhatkar, ACP Shenghal, Arun Khanvilkar, Vasant Tajne *etc.* Is it right to sentence an innocent like me to death sentence on the basis of testimonies, chargesheets and statements of such biased and tainted officers?

3) The public prosecutor Raja Thakare is spending so much of energy on getting innocents sentenced to death. The accused of the 7/11 case and the Malegaon blast case told the court that during their police custody they saw Raja Thakare visit the ATS offices. Is it right to accept advocate's statements and arguments as the divine truth who is in cahoots with the ATS and sentence an innocent like me to death?

4) Would it serve justice to sentence an innocent to death without knowing completely about Qateel Siddiqui's arrest and his murder?

5) My statement, Qateel's statement, the Delhi police report, and the Bengaluru Police report, all of them say that I am innocent. Would it be just and fair to ignore all these testimonies and go by the ATS story alone?

6) There are no eye-witnesses or direct witnesses to the case. In such a case, would it not be the murder of justice to sentence an innocent like me to death?

7) I have not made any statement on oath under section 164 in this case, but I have been reiterating my innocence from day one. How fair and just is it to sentence a person to death in absence of a confessional statement?

8) I was unable to hire an advocate of the public prosecutor Raja Thakare's stature and experience who could argue with him and defend me. In fact, I did not have an option in choosing my advocate. How fair is it to subject me to death sentence without giving me a fair trial and sufficient chance to defend myself?

9) The police have been unable to prove even to this day that I am a member of SIMI, Lashkar-e-Taiba or IM. How fair is it to sentence me to death without such proof?
10) The ATS has relations with the army from quite a long back. The accused arrested in Malegaon blasts case namely, Col. Purohit and Col. Raikar were invited as guest lecturers in their programmes. I have evidence with me to prove this. I can submit this evidence to the high court if asked. The ATS would procure RDX from these very men from army and use it to implicate Muslim youth. In Malegaon blasts case, it was established that the ATS with the help of fake witnesses had pretended to have recovered RDX from Shabbir Maseehulla's godown. Would not the same ATS implicate others too similarly?

I humbly submit to the court:

I have not committed any act of terror, nor have I done any blasts. On the day of the blast, I was in Aurangabad's Abbas function hall attending my friend's wedding. I have told the truth to the court. I do not know what the court will decide regarding me, but I hope for justice from them. No matter I am declared innocent or not, no matter I am alive or not, but whenever the truth about the German Bakery blast comes out, the world will know that I am innocent. I am sure one day my innocence will be established to the world. I hope the officers who implicated me wrongly in this case and got me sentenced to death will one day be punished for their crimes. I am truly hopeful.

I request the court:

1) I am innocent and I must be released.
2) Action must be taken against the aforementioned officers who implicated me falsely, and I be given compensation.
3) It has been established from the chargesheet submitted by the NIA that the ATS implicates innocent Muslims. So, I demand that the ATS must be banned.
4) The same chargesheet also establishes that the public prosecutor, Raja Thakare, also gets innocent Muslims convicted. So, I demand that his degree and licence be cancelled.

5) Raja Thakare be removed from the case as a public prosecutor and another advocate be appointed in his place.
6) The German Bakery case be reinvestigated from the beginning by the NIA.
7) That the case be heard in the court from the beginning.
8) I be permitted to make a statement on oath in the court.
9) I be permitted to produce witnesses in my defence.
10) What is Qateel Siddiqui's role in this case? Why was he killed in jail? An enquiry be ordered in this matter.
11) You cannot bring back the dead, but you can definitely make a living person dead. So, I request that before sentencing me to death, kindly give me the permission to defend myself.
12) Journalist Ashish Khetan be summoned in the court, because he had conducted an independent investigation in the case and found me innocent.
13) I have complained against the ATS in the NIA court that I they have implicated me wrongly in the case. Kindly order their report regarding my complaint before deciding my fate.
14) Regarding all the information mentioned above I state it under oath that all of it is true and correct to the best of my knowledge.

Thanking you,
Signature
Mirza Himayat Baig
Date: 26 August 2013
Anda Cell, Arthur Road Jail,
Mumbai-400011.

(Petition to the High Court Mumbai and other dignitaries by Himayat Baig, dated 26 August, 2013)

Analysis of Himayat's written statement on oath

Reading Himayat's statement on oath, you must have understood that this story is similar to that of 7/11 accused persons. The investigating agency is same in both the cases, the ATS. That is why the story is similar because the authors of these stories are the same ATS officers. Since Himayat had no role in the blasts, he does not know how the bombs were made and how the blasts were

triggered. But, when Qateel Siddiqui was arrested he said they had used alarm clocks to trigger the blasts. We have seen such contradiction in the 7/11 case. Qateel was gotten killed in the Yerwada jail's high-security cell so that the lies of the ATS against Himayat did not get exposed. But Allah had other plans, and Yasin Bhatkal got arrested.

Yasin Bhatkal's arrest

Himayat was sentenced to death in the trial court. The case had not even started in the high court that the NIA claimed to have arrested Yasin Bhatkal and Asadullah Akhtar *alias* "Haddi". It was revealed in their interrogations that they, Yasin and Qateel, had played key roles in the German Bakery blast. Yasin had narrated in detail how the bombs were made, who made them, how they were carried till the German Bakery, who went towards the mandir, and how the explosion occurred etc.

When the NIA asked Bhatkal about Himayat's role in the German Bakery blast, he strongly denied his hand in it. On the basis of Bhatkal's statement, the NIA gave Himayat a clean chit in the German Bakery blast case. But the media was putting out reports saying: "Himayat has not been given any official written evidence from the NIA as clean chit, nor have they been produced in any court. That is why he is in jail even to this day."

Attack on Himayat

After conviction, Himayat was locked in the same barracks where Qateel Siddiqui was killed. During 2015, there was a deadly attempt on Himayat's life in jail. The attackers were raising "*Jai Bhavani, Jai Shivaji*" slogans. Himayat somehow sent a letter out of the jail to one of his acquaintances and only then did this matter come to be mentioned by the media. Himayat's advocates appealed in the high court that he be transferred to another prison. The court granted the request and he was ultimately transferred to the Nagpur jail. The question is who ordered an attempt on Himayat's life and why? The answer is clear: this is the handiwork of the same agency that implicated Himayat in so many false cases. If Himayat gets released due to Yasin Bhatkal's statement on oath, then this would cause a huge embarrassment for the ATS and even Himayat would file a case against them for making him to suffer hell on

earth. That is why a plan was hatched to kill Himayat, but fortunately he escaped the attack.

How the ATS made two cases out of one?

The extent of the mischief played by the ATS is evident from how instead of releasing him after Qateel Siddiqui's arrest, it invented further lies. Qateel had told them that he and Yasin Bhatkal had together left with the bomb and Yasin planted the bomb at the German Bakery and Qateel had gone ahead to plant the bomb at the temple. He had said that Himayat was not with them and that they did not know him.

Since the ATS had invented a story that Yasin and Himayat had left with the bombs towards the bakery, that Himayat returned home from Pune whereas Yasin proceeded with the bombs, planted them at the bakery and caused the blast. Now the ATS added further fiction to the imaginary story that the blast committed by Yasin and Himayat at the bakery was one conspiracy and the blast at the temple was an entirely different conspiracy. Since various FIRs were registered against Qateel and he was arrested under the allegation of blast at the temple, had stated that he had been to the mandir with the bomb but could not find an appropriate place to plant it, so he returned with the bomb to Mumbai and dumped it in the Indian Ocean. But, after Yasin Bhatkal's arrest, they could not have invented another story, so they thought of getting Himayat killed to save their own skin.

ATS's double standards regarding the confession

Look at the extent of injustice and rights violation: the ATS had arrested Abdus Samad Shamsheer Khan during 2006 in the Aurangabad arms haul case and they had claimed that he had made his confession. His confession mentions the name Himayat and that he knew him. The ATS produced this confession in the Pune court against Himayat, which said: "Himayat is a long time jihadi and he was well acquainted with the accused arrested in the Aurangabad arms recovery case." The trial court took this on record as evidence. The court used this evidence against Himayat and sentenced him to death. But, shockingly, this very person Abdus Samad, had submitted in writing long back to the MCOCA special court that he had not made any confessional statement and

that the ATS had forcibly taken his signatures on some papers. The confession attributed to Abdus Samad did not have any authentication certificate. That is why the MCOCA trial court did not accept the confession as evidence against him and released him on bail. Later, the Mumbai MCOCA court also acquitted Abdus Samad from the Aurangabad arms haul case. In other words, the confession did not get the very person making it convicted. However, on the basis of an obscure name mentioned in it, the confession was used against Himayat whereas neither Himayat was related to the Aurangabad arms haul case nor was Abdus Samad related to the German Bakery blast case at all.

The confession of one case is recklessly used in another case and the ATS succeeded in getting these innocents convicted. But when the same confession proves helpful in getting an innocent released, the ATS takes serious objection and does not allow that to happen. Even the Supreme Court supports the ATS in doing so as it was seen in the SC order barring Sadiq's confession from being used in 7/11 case.

No justice for Himayat in high court

Himayat wrote the above-mentioned statement on oath and sent it to the Mumbai high court. He also sent its copies to the NIA, Central and state ministers and prominent Muslim leaders. Technically, when a session court sentences an accused to death, the high court is supposed to hear the case as soon as possible and confirm the judgement. Only then can an accused be hanged till death. In 2013, the Pune court sentenced Himayat to death. Then this case reached high court for confirmation. However, with the arrest of Qateel Siddiqui and Yasin Bhatkal by the NIA, the truth regarding Himayat emerged. As a result of which the case became complicated and with the investigation reports by Ashish Khetan, the case's different, unmanifest dimensions came to light. No judge of the Mumbai high court was ready to hear Himayat's case. All of them were making excuses of work overload and busy schedule. The file was passed from one judge to another. At last, the case was heard in the high court and his death sentence was changed to life-time imprisonment.

Ashish Khetan's sting operation

Renowned journalist Ashish Khetan began investigating the German Bakery blast case after Himayat was awarded death sentence. Ashish's *Gulail.com* stinged the prosecution witnesses. He wrote in his sting report:

> Himayat Baig's trial and death sentencing in the Pune German Bakery Blast is in fact the story of how the whole system—the police, the political executive and the criminal courts–is dehumanizing, criminalizing and crippling an entire generation of Muslim youth. This is a story that shakes your faith in the idea of India: the idea that minorities have equal rights and status as the majority; that poor Muslims too, if they aspire, can dig themselves out of the abyss of backwardness; that everyone is guaranteed the constitutional right to a fair trial...
>
> Since there was no other way of nailing the truth, Gulail secretly video-graphed the conversations of several key prosecution witnesses of the case who had given damning testimonies against Baig and were instrumental in him being sentenced to death.
>
> Baig came from the Beed district and at the time of his arrest was working as a computer teacher in the Latur district. A majority of the 'independent' witnesses were also from these two districts. But a vicious witch-hunt by the ATS over the last three years has uprooted them. Many have migrated to neighbouring districts like Aurangabad and Parbhani in pursuit of anonymity. They told us a horrifying tale of coercion, blackmail and torture they were subjected to by the ATS so they would support their case against Baig in court.
>
> The Maharashtra ATS is running a deliberate, cynical programme of denigrating the Muslim youth creating in its wake an army of disaffected youth. Baig is not alone who is languishing in prison for a crime he did not commit; those who testified against him are also in prison: this prison has no walls, no chains, but there is no escaping. With their life savings frittered away in bribes to

ATS personnel and their prospects of building a future diminished owing to the stigma of their association with a so-called 'terrorist', these witnesses are now living on the fringes without a glimmer of hope or promise. They told us that they had been instructed by the ATS to alert the agency if any unknown individual came around asking and probing about the case. Every once in a while, ATS personnel would make a customary visit to check on them. These men are full of fear, full of anger, helplessness, hopelessness and guilt. Some of them told Gulail that they were willing to tell the full truth to the High Court on the condition of a fair and credible re-investigation and protection from almost-certain reprisals from the ATS.

On 18 April 2013, a Pune trial court pronounced Baig guilty of the German Bakery bomb blast case on the following three grounds:

— That RDX was recovered from a bag kept by Baig at his place of accommodation.

— That Baig had a jihadi mindset and in his conversations with his friends he often subscribed to the ideology of terrorism.

— That on the day of the blast Baig was in Pune and was seen with Ahmed Siddibapa Zarar alias Yasin Bhatkal near the German bakery

There were three main points on which Baig was convicted. However, all three points are false according to *Gulail.com* sting:

1) The ATS had claimed to have recovered RDX from Udgir coaching classes belonging to Himayat, but the witness Abdur Rahim Saiyyad told us that the recovery was faked and the raid was rehearsed. ATS men came there and video-recorded a preplanned, staged recovery. Two days before his statement Abdur Rahim was taken to the ATS office, was coached and made to memorise a pre-written false statement. Abdur Raheem was unable to memorise the statement properly, that is why they replaced him with Himayat's friend Muhammad Ghaus. Ghaus told Ashish that no RDX was ever seized. He had made such a statement under the fear and pressure of the ATS.

2) Two of Baig's closest friends—Rehan Sheikh and Mohammad Ansari—told the court that Baig subscribed to the ideology of terror. But when *Gulail* spoke they said they were forced by the ATS into lying before the court. Rehan Shaikh told Khetan that his uncle had given the ACP Vinod Satav Rs 3 lakh rupees so that Rehan was not falsely implicated in this case.

3) Himayat was not in Pune on the day of the blast, but in Aurangabad. Regarding this Muhammad Ateeq told Khetan that the ATS was pressurising him to say that Himayat was not in Aurangabad that day. But he told the truth in the court and the public prosecutor declared him hostile and the judge did not accept his statement.

All the recordings of this sting operation were uploaded on www.gulail.com. But now the website is no more available. However, the video can still be seen on Youtube at: www.youtube.com/watch?v=es6WvZ8jcew and transcript/report is available here: https://gulail1.rssing.com/chan-15157051/all_p7.html

Khetan's letter petition in the high court

In May 2013, investigative journalist Ashish Khetan wrote a letter petition to the Chief Justice of the Bombay High Court in "deliberate framing of Muslims in terror cases by the Anti Terrorism Squad (ATS) of Maharashtra." Below are paraphrased excerpts from the petition[a]:

> After my 'sting operation' in the infamous Best Bakery case [Gujarat riots 2002], the Supreme Court too found my investigative reports authentic and trustworthy.
>
> My reportage on Hindutva terror groups that catalysed the investigation in the Malegaon blasts of 2006, the Samjhauta Express blasts, the Ajmer Sharif blasts and the Hyderabad Mecca Masjid blasts. As a result, the innocent persons hitherto arrested for these outrages were released

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[a] "Ashish Khetan sends letter petition to CJ of Bombay HC on framing of innocent Muslims", 26 May 2013, TwoCircles, http://twocircles.net/2013may26/ashish_khetan_sends_letter_petition_cj_bombay_hc_framing_innocent_muslims_terror_cases.htm

on bail and the prosecution turned to those now believed to have been actually responsible for these terror attacks.

My recent investigative efforts as a journalist have led to a clear and compelling picture of the deliberate framing of Muslims—most of them very young and very poor—in terror cases by the ATS of Maharashtra.

For more than a year I have been researching the investigation of terror cases by the ATS Maharashtra. Sporadic press reports have appearedabout conflicting versions given by different police agencies on the same cases. This aroused my interest and I set about carefully and slowly unearthing material on the matter.

My research has shown that at least in three cases prosecuted by ATS Maharashtra, namely (1) 7/11 blast Mumbai trains blast case 2006, (2) Malegaon blasts case 2006 and (3) German Bakery blast case 2010; the ATS has deliberately created bogus evidence, extracted false confessions by the most inhuman torture, planted explosives in the houses of the accused and thus implicated innocent Muslim youth.

The state of corruption goes beyond, what may usually be termed as 'padding' a case and in fact shows a deep bias against Muslims in particular, besides absolute contempt for law, justice and truth. The result is a serious breach of the right to life and liberty, the equality before law and our basic constitutional values. The result is also a serious security risk, for this nature of targeting is bound to cause wide-spread disbelief in mechanisms of justice and exponentially add to a feeling of alienation amongst a sizeable section of the citizenry. Every time an innocent person is framed in a terror case, the real culprits do not just get away but also get emboldened. Therefore, what I am placing before you is not just aberrations in investigations or minor breaches, but a whole stylised operation with active prejudice, that will only serve to increase the terror threat that this nation faces and endanger our internal security. My investigation shows that these extra-constitutional operations were connived at by the highest levels of the Maharashtra police.

This letter petition is therefore drawing the attention of the highest court in the State, to the facts, so that the wide ranging deleterious effects of this wanton abuse of power can be checked and appropriate corrective action taken.

I am aware that normally, investigation of crime is the task of the police and verdicts of guilt or innocence, the realm of courts. What makes me intervene in this process is the fact that the same has become the reverse of what it is intended to be. When the police deliberately obstruct justice and mislead courts of law, it cannot be left unchecked, and it is my duty as a citizen and a journalist to invite the attention of the highest custodians of justice to the facts that I have unearthed, particularly when the consequences to our national security are so dire...

Sadiq's role in 7/11: My sources in Mumbai police and state police agencies of Andhra Pradesh, Gujarat, Uttar Pradesh and Karnataka who were involved in investigating 'Indian Mujahideen' and its alleged involvement in the 2007 and 2008 blasts provided me the Interrogation Reports of Sadiq Sheikh and others prepared by each of these agencies (All these interrogation reports are annexed as Annexure III)... None of these agencies placed the entire relevant material before the MCOCA court trying an entirely unconnected set of 13 men for 7/11 Blasts. Why?... In fact what followed was a sinister conspiracy by Maharashtra ATS to mislead the courts. On 26 November 2008 Hemant Karkare died. Karkare had earlier been seen at public press briefs to declare that the new set of persons including Sadiq Shaikh (all allegedly part of Indian Mujahideen) arrested in 2008 were responsible for July 2006 bombings, for which a different set of persons had been in custody for two years already...

The agencies have themselves claimed (both in court and in public) that Sadiq's interrogation led to the arrest of over 70 terror suspects by UP ATS, Hyderabad CIC, Ahmedabad Crime Branch, Rajasthan ATS and Delhi Special Cell. The content of these reports, and 'confessions' etc is part of the chargesheets filed by different agencies. But curiously Sadiq and his accomplices were chargesheeted in only those blast cases in which the

investigation was still not completed. Hyderabad Blasts (Gokul Chat and Lumbini Park) of 2007, Ahmedabad and Surat (aborted) Blasts of 2008, Delhi Blasts of 2008 were some of the cases in which the alleged Indian Mujahideen members including Sadiq Shaikh were chargesheeted.

But those revelations that related to the 7/11 Mumbai Train Blasts were conveniently brushed under the carpet...

My sources in NIA have provided me the confessions of the alleged Hindutava terrorists who have confessed to be behind the 2006 Malegaon Bombings. According to these confessions the terror plot was hatched and executed by certain Hindu radicals. The explosives were sourced and bombs were manufactured by a group of RSS pracharaks with absolutely no connections whatsoever with those nine Muslims who were charges for Malegaon bombings by the ATS.

My investigation shows that the ATS offered money and women to the 7/11 accused to turn approvers. Though they couldn't succeed in turning any of the 7/11 accused as approver, the ATS managed to turn an accused as 'approver' in the Malegaon 2006 case. With the NIA investigation now suggesting the Malegaon 2006 bombings to be the handiwork of a few Hindutava radicals, the ATS methods of coercing innocent Muslims into turning approvers gets exposed.

German Bakery blast: In June 2010 the Mumbai ATS arrested one Abdul Samad, a young Muslim and a resident of Bhatkal town in Karnataka, ostensibly for the Pune Blast. But the ATS theory collapsed when Samad's parents held a press conference and released videos and pictures of Samad attending a wedding in his home town in Bhatkal on the day of the blast. Faced with incontrovertible evidence of Samad's innocence, the ATS did a sudden U-turn and now said that the bomber was Samad's brother Ahmed Siddibapa also known as Yasin Bhatkal among the agencies. Samad was instead shown arrested in a bogus Arms Act case and was soon released on bail.

In November 2011, almost a year after Baig was arrested, the Delhi Special Cell arrested a 28 year old

resident of Darbhanga district in Bihar named Qateel Siddiqui. The consistent and continued case of the Delhi and Bangalore chargesheets regarding Qateel is that he was behind the German Bakery. My sources in the agencies have provided me the original Interrogation Reports prepared by both Delhi and Bangalore Police, upon which the chargesheets are based. Thus, the open position is that Qateel is the guilty party, and with no link to Himayat. Then how is it that for the Pune trial Court alone, Himayat is the guilty party, not Qateel? So much so that Himayat has been handed down a death sentence, with no evidence of his presence even in the CCTV footage?

To harmonise these blatant contradictions the ATS sent an officer named Dinesh Kadam to interrogate Qateel... But to retrspectively harmonise their old investigation with Qateel's revelations, Kadam twisted those portions of Qateel's confession in which he spoke about his continued presence with Yasin on February 13 [2010]. February 13 was pre-dated to February 11 by Inspector Kadam, as the ATS had already spun a story around Baig and Yasin for February 13 and the same theory had already been presented before a Pune Court in the form of a chargesheet. Kadam went back to Pune and filed a fresh complaint against Qateel in a Pune Court and charged him for attempting to bomb Dagduseth Halwai Ganesh temple, Pune.

On 8 June 2012, Qateel was mysteriously murdered in High Security Section of the Yerwada jail. On the same day Qateel was supposed to be brought back to Delhi to be produced before a Delhi Court in connection with a separate case registered against him by the Delhi Special Cell. The Maharashtra Police claimed that two fellow inmates killed Qateel over some angry exchange of words. According to police he was strangulated with a Bermuda pant cord. But the same couldn't be recovered because it was claimed to have been burnt by the accused...

I request this Hon'ble Court to:

i. Order an independent commission of inquiry into the conduct of the investigating officers, in the investigation of crucial cases such as have been referred to in this petition;

ii. Direct appropriate action against the police officers found responsible for their flagrant violation of constitutional values

iii. Direct consequential relief to the victims of such operation.

Yours truly,

Ashish Khetan

During September 2013 the Mumbai high court rejected the letter petition. Ashish Khetan approached the Supreme Court against this decision. Even at the death of wild stray-dogs, when a PIL is submitted, our esteemed courts immediately spring into action and pass appropriate orders, but when the police misuse their power, targets the educated section of Muslim youth, implicating them wrongly, torturing them and even getting them hanged, the courts do not seem to be worried.

When Ashish Khetan conducted the sting, we got hopeful that Himayat would get released soon. Poor Khetan, he kept on producing witnesses before the court who had told him that the ATS had pressurised them to give false statements against Himayat. He kept begging for the protection of these witnesses. But our esteemed court left everyone at the mercy of the ATS so that no one may again dare speak against the ATS in a sting operation.

Himayat's role

The principal of Government D.Ed College, ND Vanve says: "Himayat submitted all his assignments on time and attended all lessons." This means Himayat was serious in his studies. Siddiqui Khurshid Alam, a social activist from Udgir's Jama Masjid at Chaubara, is one of Himayat's friends. He says: "I knew Himayat Baig as Yusuf...I am not sure why he never told us his real name,

but there is no doubt, he could not have been involved in terrorist activities. He volunteered for manual labour at the masjid. He also began staying overnight and teaching children at a coaching class some of us had started."[a]

Himayat Baig's advocate Mehmood Pracha, a senior Supreme Court lawyer, says: "Our case is that he never used a false name. The entire case against Himayat is false." According to *Indian Express* reporter Sagnik Chowdhury: The ATS claims that Himayat went to Colombo, Sri Lanka, and met Faiyaz Kagzi and Zabeehuddin Ansari, where the German Bakery plan was finalised. But ATS did no investigation into the alleged conspiracy in Colombo yet. Still our courts accepted the ATS claim and believed that the conspiracy was hatched in Colombo. No scientific evidence in the link established by the ATS between the Nokia phone bought in Mumbai and the trigger device that set off the blast. The recovery of RDX from Himayat's house at Udgir is doubtful, as the ATS didn't examine the owner of the house. Contrary to the ATS version, neither Bangalore Police nor Delhi Police Special Cell mention Himayat in their investigations.[b]

Malegaon bomb blast 2006

Mumbai-based Yug Mohit Chaudhry is a senior criminal lawyer. He leads the movement for the abolition of the death penalty in India and represents many of the prisoners in imminent danger of execution. In June 2013 he wrote an article "Prosecute ATS for Malegaon" for *Mumbai Mirror*, a *Times of India* publication. It's subheading read "NIA investigation confirms ACP Shengal falsely accused nine innocent men and fabricated evidence." We are reproducing the piece below:[c]

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[a] Sagnik Chowdhury, "The man from Beed", *The Indian Express*, 22 Sep. 2013, p. 23; "Bhatkal's conflicting reports on Bakery Blast put a question mark on Baig's death penalty," http://archive.indianexpress.com/news/bhatkals-conflicting-reports-on-bakery-blast-put-a-question-mark-on-baigs-death-penalty/1172412/0

[b] *Ibid.*

[c] Adv. Yug Mohit Chaudhry, "Prosecute ATS for Malegaon", *Mumbai Mirror*, 26 June 2013, p. 24; https://mumbaimirror.indiatimes.com/opinion/columnists/miscellanous/Prosecute-ATS-for-Malegaon/articleshow/20772410.cms

Friday, September 8, 2006 was one of the holiest days in the Muslim calendar—*Shab-e-Bar'at*[a]—when bombs exploded at the Malegaon Chowk, and in a mosque cemetery compound, during the afternoon [Juma] prayers.

Thirty-one people were killed and 300 suffered injuries in the attacks that visibly targeted Muslims, but the Maharashtra Anti-Terrorist Squad (ATS), in a predetermined manner, immediately blamed Muslim terrorists and arrested nine from the community.

This case was transferred to the National Investigation Agency (NIA) which, while investigating the Samjhauta Express blast, had uncovered evidence contradicting the ATS claims.

After reinvestigating the Malegaon case, the NIA has confirmed that the ATS fabricated evidence against the accused, and that a Hindu terrorist group had perpetrated the blasts. Had the investigating officer, Assistant Commissioner of Police (ACP) Kisan Shengal, succeeded in pulling off this miscarriage of justice, nine innocent people would have possibly been sentenced to death as terrorists, and their families tarnished with this stigma forever.

According to the ATS, the blasts were perpetrated by Noorul Huda, Shabbir Masiullah [he passed away in an accident recently], Raees Mansuri, Dr. Salman Farsi Azmi, Dr. Farogh Magdumi, Mohammed Ali Shaikh, Asif Khan, Mohammed Zahid Ansari and Abrar Ahmed. The ATS said that some of them had trained in Pakistani camps and that all had conspired to:

(a) Wage war against the government.

(b) Terrorize people through wanton killing and bomb blasts.

(c) Incite communal riots and disrupt public order.

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[a] Muslims, mainly in South Asia observe the 15th night of the month of Sha'ban of the Islamic calendar, and believe that on this night Allah writes their destinies for the coming year. This is why the night is spent in asking for his mercy for any transgression.

(d) Indoctrinate Muslims into terrorist and secessionist ideology.

(e) Avail assistance from Pakistani terrorists.

The NIA's chargesheet debunks these claims comprehensively.

It states that:

(a) ATS witnesses for the alleged seizure of the RDX from the accused denied witnessing these events;

(b) An ATS witness to the alleged seizure of the fake bomb was also shown by the ATS as being present elsewhere simultaneously for the seizure of the deceased's clothes.

(c) The ATS's key witness denied seeing the accused making the bomb and said that "his statement was recorded under duress".

(d) An accused, who the ATS claimed had planted a bomb, was in Fulsawangi about 480 kms away at that time, and another who, the ATS claimed procured explosives, sheltered Pakistani terrorists, assembled the bomb, etc, was in jail.

(e) The blasts were carried outby Lokesh Sharma and others in furtherance of a larger terror conspiracy.

The ATS's false accusations, drawing on stock communal stereotypes equating Indian Muslims with anti-national activity, terrorism and Pakistan, display an institutional bias and communal antipathy unbecoming a secular state.

They also manifest disrespect for truth and the judicial process, which, in a police force, is extremely worrying since evidence is easily fabricated and lives hang in the balance.

Investigation, especially in terrorist cases, must be scrupulously honest, not merely because of accused's rights, but also for our own safety: we have to be sure that the real culprits have been arrested and cannot reoffend. The NIA investigation confirms the belief that even in serious cases evidence is often fabricated, witness testimony coerced, incriminating articles planted, and innocent people falsely accused. Consequently, the

administration of justice is brought into disrepute when judicial verdicts are believed to be based on tainted evidence. This has happened in numerous high-profile cases, including the Parliament attack case.

Dishonest investigation, custodial torture and extra-judicial killings by the police are endemic in India and carried out with impunity: no policeman has been convicted for these offences in Maharashtra for over 15 years.

Had a few rogue officers been punished, the ATS may not have dared to fabricate evidence in such an important case. However, courts and governments have routinely condoned these excesses and we have become inured. The Malegaon case, an egregious example, must be the starting point where we show our intolerance for such brazen lawlessness by law enforcers and make an example of them to deter others.

The NIA's investigation establishes unequivocally that nine persons, who spent six years in custody, were innocent and were framed by ACP Shengal on a terrorist charge. He planted RDX on them from a private stash, coerced a corroborative statement from a bogus witness and extorted fictitious confessions from them, which collectively would have sufficed to have them convicted and sent to the gallows. They are free today only because the NIA accidentally chanced upon evidence of their innocence. This must never be allowed to recur.

ACP Shengal must be suspended forthwith, and departmental and criminal proceedings initiated against him for making false accusations, fabricating evidence on a capital charge and coercing false testimony punishable under sections 193-195A, 197, 199, 211, 220 Indian Penal Code. If he is not prosecuted, other officers will do the same with impunity, and people will lose faith in the administration of justice.

For all our sakes, and to maintain the integrity of democratic institutions, it is imperative that the government prosecutes Shengal in a manner that inspires confidence. [End of article by Adv. Yug Mohit Chaudhry]

Current status of the case

Despite being released on bail, even to this day, the Malegaon blast case is still hanging on the heads of these nine innocent men. When these youth applied for discharge from the case, the Hindu terror accused arrested under the same case by the NIA came forward and told the court that they had been wrongly implicated by the NIA so that the Muslim youth may be discharged. They appealed that the trial be conducted against both the parties; the court would eventually come to know who the real culprits were and the court could make its decision accordingly. Thus, after several years, in 2016, the Mumbai session judge discharged the Muslim youth due to lack of evidence. One of them (Shabbir Ahmed) passed away a year ago. The government of Maharashtra filed an appeal against this verdict.

When the case was given to the NIA for investigation and they found that the Muslim youth arrested were innocent, why did they not discharge them immediately? This could have been easily done according to the law. They could have arrested suspected Hindu terrorists later in this case, because the could not have run anywhere as they were already in jail under other cases. But the NIA did not do so. What does this prove? Nothing, but only that they too were not honest in their job. Doubts have been raised regarding 7/11 blast case and German Bakery case, but even to this day the Central government has not handed over these cases to NIA. This helps us understand the apathetic and biased approach of the Central Government and the NIA. None of them wants peace and justice established in the country.

Aurangabad arms haul case

In 2006, the ATS claimed to have recovered huge amount of arms and ammunition from near Aurangabad. In a few days, 20 Muslim youth were arrested alleging that they were terrorists related to Lashkar-e-Taiba and that they were traitors intending to wage war against the nation. Back then Raghuvanshi was the ATS chief. They had claimed that many of the arrested individuals had confessed to have committed the crime. MCOCA was imposed on the case and the accused were transferred to Mumbai to harass their families and that the accused were rendered unable to defend

themselves. In the initial six years, the prosecution did not start the case and kept on postponing it quoting lame excuses. After much delay, when the case started, the witnesses complained to the court that their statements were produced in a twisted form. The police cancelled many witnesses. During this time, the Mumbai high court and the trial court released 10 accused on bail.

ACP Shenghal claims that a certain accused was arrested red-handed with such and such a weapon. This case is based on Shenghal's complaint. The same Shenghal who had arrested nine Muslim youth after the Malegaon blasts, but the NIA rubbished his claim. If Shenghal can implicate Muslims wrongly in one case, how could he not have implicated them in another? When Shenghal arrested 22 innocents in the arms recovery case and no action was taken against him he got emboldened. The result of that inaction against Shenghal is the arrest of innocent youth in the 7/11 case and Malegaon case. Shenghal has been the investigative officer in 7/11 case and he used to appear before the court to make his witness statement. Even to this day Shinghal has not been able to tell the court as to wherefrom the weapons were sent? Where they were going? Who had sent them? And what was the purpose of sending them? What was the supposed purpose for which these arms were about to be used? Due to the absence of answers to all these questions, the case became suspicious and this led to the accused being released on bail. In 2016 July, the verdict came out in which eight were acquitted and released, whereas Abu Jundal and six others were sentenced to life imprisonment.

Aurangabad: Arms seized from ex-army man's house

In January 2010, 55 km from Aurangabad in Kantar taluka, two live bombs, swords and other illegal articles were seized from an ex-army man's house. The police also found a letter in the box containing bombs. The letter was in Urdu. Aluminium wires, iron rods and explosive materials were also found. The ATS arrested the accused Gulabrao Ramrao Sonawne, an ex-army man. The accused was booked under Arms Act. (*Inquilab*, 11 January 2010, p. 1; *Urdu Times*, 11 January 2010, p. 1).

Notice the double standards of ATS here. Weapons were seized from the ex-army man's house, but he was not declared a terrorist. No MCOCA was imposed. No confession was recorded. No

conspiracy was exposed. No case of war against the nation. No sedition, nothing. The person gets bail very easily under the Arms Act. Why had he collected all these arms and ammunition? Who else were involved with him? How did he procure all these illegal articles? There was no investigation regarding all these questions. No report was seen in the newspapers regarding this. The tragedy with this nation is on one hand people like Gulabrao are let off easily and continue their destructive activities as usual, but on the other hand innocent educated Muslim youth are thrown in jails by the ATS. And what was the purpose of the letter in Urdu? To target Muslims after explosions in graveyards and mosques?

An important report regarding false cases

In 2012 Jamia Teachers' Solidarity Association released a book under the title: *Framed, Damned, Acquitted – Dossier of Very Special Cell*. In this report, 16 terror cases were analysed. In all these cases the Delhi Police had falsely implicated common men, only to be acquitted several years later by courts. Its compilers write in the preface of its Hindi edition:

> When human rights activists, or families of those arrested on charges of terrorism, allege foul play on part of the investigating agencies, the usual response is this: Surely, there must have been some involvement, or else why would the police arrest him, and not me?
>
> We document here 16 cases in which those accused of being operatives of various terrorist organizations (Al-Badr, HuJI, Lashkar-e-Toiba), arrested in main by the Special Cell of Delhi Police under serious allegations against them, such as: Waging war against the nation, sedition, bomb blasts, weapons training, colleting weapons, raising funds for terrorists. The punishment police sought was according to these allegations; mostly death sentence. Although, between 1992 and 2012 [when the report was published] most of them were acquitted by the courts.
>
> This report investigates cases of which courts declared the them innocents. It is primarily based on court judgements but also uses media coverage of before and

after the verdict of the courts. This report makes it clear that these acquittals were not simply for want of evidence, but because the evidence was tampered with, and the police story after story was found to be unreliable and incredulous...

You will find in this report, courts sometimes clearly indicting the Special Cell for setting up innocents; reprimanding them for violating due process and concocting evidence, ordering a CBI probe against the Special Cell, as well as directing the filing of FIR and initiation of departmental enquiries...

Those who were released, their precious years of life were already spent in jail. It is impossible to compensate that loss. Sadly, mostly media reports if not a lot but mildly biased supporting police version...

To those who say, 'there is no smoke without fire,' we hope that this document will serve as a grim eye opener. The police – the Special Cell in this case, but this could be true for any other investigating agency as well – can draw their victims in many ways: to settle scores, to teach a lesson, to buy favours, to dispose of petty informers past their usefulness, to 'help out' colleagues in other parts of the country.

The 16 cases we present here are only the proverbial tip of the iceberg, and simply indicative of the extent of the malaise affecting our policing and criminal justice system...[a]

Framing innocents is the gravest crime: Court

JTSA report mentions that in the Dhaula Kuan (Delhi) fake encounter case, the court opined that,

> "there cannot be any more serious or grave crime than a police officer framing an innocent citizen in a false criminal case. Such tendency in the police officers should

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[a] *Aropit, abhishapt aur bari, Special cell ka khokla 'sach'* (*Framed, Damned, Acquitted – Dossier of Very Special Cell*), Jamia Teachers Solidarity Association, New Delhi, 2012, pp. 5-9.

not be viewed or dealt with lightly but needs to be curbed with a stern hand."[a]

Brief reproduction of one of the 16 cases from JTSA dossier

In 1998, the Delhi Police arrested Mohammad Aamir Khan in a case of bomb blast. He was subsequently implicated in 17 cases of terror one after the other. In 2001, the judiciary acquitted Aamir in 12 out of 17 cases. To get out of the remaining cases he had to spend 14 more years in jail. Aamir was convicted in one case of bomb blast. The case reached Delhi high court. The judges found Aamir innocent after hearing the case. The high court acquitted Aamir, but even to this day, no action has been taken against the officers who implicated Aamir wrongly. The Delhi high court advocate and human rights activist Nandita Haksar wrote a book on Aamir's life.[b]

Demands of JTSA for handling terror cases

At the end of the report by the Jamia Teachers' Solidarity Association, they made the following demands:[c]

1) National Commission of Enquiry: The establishing of a national commission of enquiry to document and investigate the numbers of such cases across the country.

2) Compensation and Rehabilitation:

   (a) A comprehensive rehabilitation package, including assistance in education and occupation, should be devised and announced for those wrongfully incarcerated on false charges;

   (b) Provide for compensation to be paid to the victims of false prosecution in terms of the Judgements of the Delhi High Court and in Tasleema versus State of Delhi 161 (2009) DLT 660 and Prempal versus Commissioner of Police W.P. 11079/2006 dated 25th March 2010.

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[a] *Ibid.*, p. 6.

[b] *Ibid.*, pp. 29-48.

[c] *Framed, Damned, Acquitted – Dossier of Very Special Cell,* Jamia Teachers Solidarity Association, New Delhi, 2012, pp. 161-162.

3) Public Apology:A public apology by the government and the investigating agency must be tendered to those who have suffered wrongful arrests, prosecution and incarceration.

4) Scrap/disband the Special Cell of Delhi Police with immediate effect.

5) Action against officers involved in Frame ups: All those officers of investigating agencies against whom the Courts have drawn adverse inferences for targeting innocents must be:

(a) Suspended with immediate effect;

(b) Proceeded with departmentally, by taking disciplinary action and in cases where there exist promotions and awards as a result of these false cases, then they ought to be stripped of such promotions and awards.

c) Prosecuted for the crimes that have been committed in the process of foisting false cases against innocent accused byfiling FIRs and investigation by CB/CID.

6) Section 197 CrPC (which requires sanction of the Government to prosecute public officers for offences alleged to have been committed purportedly during the discharge of their duty) should be made inapplicable to police and investigating agencies in case of false prosecutions, incarceration, torture, registering of false cases etc.

7) The present Prevention of Torture Bill must be scrapped and replaced with a new bill in conformity with the Convention against torture.

8) Intelligence agencies must be brought under the purview of Parliamentary oversight.

Akshardham attack

On 24 September 2002, two men launched a suicide attack on Swamy Narayan Akshardham mandir, Gandhinagar, Gujarat. The police killed both the attackers in retaliation. As many as 33 died

and 86 were injured, including policemen. A case was registered and an investigation was conducted. Meanwhile, it was claimed that two letters were recovered from the attackers' bodies. When the case was not solved for one whole year, it was transferred from one agency to the other. Then it was handed over to the CBI, which immediately declared to have solved the case by arresting six Muslims. It was claimed that this attack was done to seek revenge for the 2002 Gujarat riots and that the conspiracy was hatched with some mullahs from Saudi Arabia, Hyderabad, Ahmedabad, Jammu and Kashmir etc. Subsequently a chargesheet was filed, which listed 376 witnesses, out of which 126 were summoned to the court.

The POTA court found all the accused guilty. Accordingly, the court sentenced three of them to death, one for life-time imprisonment and the other two rigorous life-time imprisonment. Two judges of the Gujarat high court confirmed the sentence. The prosecution claimed that the attacked was committed by Jaish-e-Muhammad at the behest of ISI. They claimed that five accused had made confessional statements. The accused alleged that they were detained illegally and tortured, then they were taken in police custody, subjected to third-degree torture, and forced to sign the papers. They complained regarding it to the high court and even produced witnesses in their defence, but all that was rejected. Then the case reached the Supreme Court where two esteemed judges gave a shocking, historic verdict:

> "The two letters recovered from the two *fidayeen* (suicide attackers), did not carry even a spot of blood on it, whereas the attackers' clothes were fully drenched in blood. The pocket from which these letters were recovered was holed with bullets. Then, how come the letters were in good condition?"

There are three stories about these suicide attackers. According to one confession, the first attackers was "Doctor 1" Murtuza / Hafeez Yasir from Lahore whereas the other one is "Doctor 2" Ashraf / Muhammad Farooq from Rawalpindi. According to another confession the attackers were named Shakeel and Abdullah, and were from Jammu and Kashmir. But according to the letter recovered from both these attackers, they were from Attock, Pakistan. The Supreme Court said that the constitutional

safeguards were not maintained while recording the confessions, that is why the confessions could not be treated as credible and be used against the accused. There were three approvers in this case, but the Supreme Court rejected all three of them saying it appeared from their statements that they had been recorded under threat, so that the accused may be implicated, as IOs were unable to solve the case since past one year.

The Supreme Court refused to use both the letters against the accused because both of them carried no creases, no blood stain. They were spotless and free of dirt and soil.

The contents of both these letters were:

> Tehreek-e-Qisas, Gujarat, Hind
>
> Now every Muslim youth from Tehreek-e-Qisas will take the revenge for Muslims... Oh Muslims of Gujarat, come join us and make sure that we reconstruct our Masjids and seek revenge for the blood of Muslims... May Allah Guide us on the straight path and may He let Tehreek-e-Qisas remain as long we do not avenge for each and every Muslim ...
>
> Signature: The real representatives of the Muslims of Gujarat
>
> From: Tehreek-e-Qisas, Gujarat

The Supreme Court in its verdict said there is no independent evidence against the accused and even the confession itself is recorded under pressure, so none of both can be trusted. The accused had submitted it in writing to the trial court they were tortured to make false confession statements, so it carries no credibility.

The complaint made by the accused against the police says:

> The police used to threaten us, asking us to take the blame of Akshardham temple attack on ourselves or else we would be killed in fake encounters. Had we refused we would have been subjected to brutal torture. Our genitals were shocked with electric current. They would threaten to harass our family. They would also threaten us to keep quiet when produced before the judge or taken to a doctor, or else they would kill us in encounter... They

would ask us to sign quietly and we would do so due to the fear of torture... They would often tell us that they knew we were innocent. They would intimidate us saying: 'You do not know how powerful the police are and what they can do? The courts, the judges, the police, everything belongs to us here.'... They would take us before the judge and we would simply sign due to fear. They gave us a story regarding Akshardham in writing and asked us to memorise it. They wanted us to recite the story before their higher officers... We were kept under illegal detention at the Crime Branch office for several days and tortured physically and mentally... We would keep quiet before the judge due to fear... We were asked to narrate a fake story before the camera and they video-recorded it... We requested this court that we were innocent and to confirm this fact this case be reinvestigated by the CBI...

Supreme Court's serious observation:

"We, being the apex court cannot afford to sit with folded hands when such gross violation of fundamental rights and basic human rights of the citizens of this country...Another error of the courts below [POTA] is reflected in the fact that they have not given the same weightage to the defence witnesses as they have to the prosecution witnesses...The courts below mechanically and without applying their mind, discarded this contention of the learned counsel on behalf of the accused persons."

Supreme Court's verdict

"We [the apex court] are of the firm view that the concurrent findings of fact of the Special Court (POTA) and the [Gujarat] High Court are not only erroneous in fact but also suffers from error in law...

"We [the apex court] are convinced that accused persons are innocent with respect to the charges leveled against them...

"We [the apex court] are aware that [Altaf Malek] has already served his sentence. However, we intend to absolve

> him of the stigma he is carrying of that of a convict, wrongly held guilty of offences of terror so that he is able to return to his family and society, free from any suspicion...
>
> "We [the apex court] intend to express our anguish about the incompetence with which the investigating agencies conducted the investigation of the case of such a grievous nature, involving the integrity and security of the Nation. Instead of booking the real culprits responsible for taking so many precious lives, the police caught innocent people and got imposed the grievous charges against them which resulted in their conviction and subsequent sentencing..."

(Adambhai Sulemanbhai, Ajmeri & Others vs. State of Gujarat Criminal Appeal Nos. 2295-2296 of 2010, Supreme Court, dtd. 15/5/2014, AK Patnaik & V. Gopala Gowda Justice).

From Akshardham to 26/11 case: Same story

Who wrote those two letters in Urdu? And why were they said to have been recovered from the attacker's bodies? The answer is very simple. The police did this, so that they could easily get the accused convicted in the trial court and in the high court. The accused had to spend 12 years in prison, bear the blot of conviction and end up tainted forever. The accused namely: (1) Altaf Malik, (2) Adambhai Ajmeri, (3) Muhammad Saleem Haneef Shaikh, (4) Abdul Qayyum Mufti Sahab Muhammad Bhai, (5) Abdullah Maan Yasin Maan, (6) Chand Khan.

No court can return the 12 years lost to the accused. Other than that, the continuous torture they had to suffer, it cannot be recompensed. You would recall how the Mumbai crime branch, following the footsteps of Gujarat crime branch, had recovered maps from the attackers' pockets. It was claimed that these maps were hand-made by Sabahuddin and Faheem Ansari and handed over to the attackers. Both these Indian Muslims were arrested and an impression was created that Indian Muslims were involved in this attack of 26/11. The inaptitude of the police was evident from the maps recovered being free of blood stains, dust, folds or creases. The trial court, high court and the Supreme Court acquitted both these men because it was proved that they had not prepared these maps, nor had they handed them over to the

terrorists. Then, who made these maps? The police! Despite this obvious forgery, no action has been taken against them.

It is not difficult for the police to get a letter drafted in Urdu. It can be easily done with help of Urdu-knowing informers and policemen.

Benefit of complaining against police

The accused in Akshardham attack case, as soon as they reached judicial custody, complained against police torture, fake confession *etc.* The trial court and the high court ignored these complaints, but the Supreme Court took serious notice of it and declared the confessions false. Apparently, it seemed for 12 long years that there was no use of complaining against the police, but at last it got some benefit. Imagine if they had never complained against the police, the Supreme Court would never have known that the accused had been tortured and false confessions had been recorded.

Another aspect of this decision

After 12 long years at least, it was proved that they were innocent and had not committed any crime. They are free today. The Supreme Court also observed in its decision that the police had implicated innocents instead of catching the actual perpetrators. But, why did the Supreme Court not use its powers and take action against the police? No FIR was registered. No order for departmental enquiry was passed. It was not that the accused had not named the offending policemen. In fact, they had mentioned their names, designations, date, time, places where they were detained and tortured; everything was on record. Yet, the Supreme Court, instead of taking appropriate action merely expressed regret. This in itself is a tragic aspect of this case. After all it was established that the police had implicated innocents to hide their inefficiency, yet the Supreme Court did not take any action. Given the Supreme Court's leniency, these policemen would be emboldened and become much more lawless. Today most of these policemen have been promoted to higher posts. They are sure to continue with their illegal acts because they know even the highest court of the country will not take any action against them.

In this context, the most important question still stands unanswered: "If these men did not stage the Akshardham attack,

then who did it? Who were those two suicide attackers? Where were they from? How did they reach there? What was their purpose? On whose orders had they been here? And who provided them with the weapons? This case has not been solved till date. Yet, the Supreme Court did not order the formation of a special team and conduct an investigation into the case.

Not even one year had passed since this order (acquittal of accused Muslims in Akshardham case) when the Gujarat government passed Gujarat Control of Organised Crime Act (GujCOCA) vesting tremendous powers in the police and strengthening their hands.[a] As it is, the police were already misusing their powers to implicate innocents. After the GujCOCA's advent, they have increased atrocities. Under the new law the police can implicate people (read Muslims) in any case they wish despite their innocence and make them rot in jail for years. Instead of reducing the powers the police enjoy to misuse, they are being more powers by communal people in power and state machinery. Had the Supreme Court declared in its verdict regarding Akshardham attack that these anti-terror laws (UAPA *etc.*) were inhuman, un-constitutional and such laws must not be allowed to exist, then draconian laws such as GujCOCA would not have been framed. Mufti Abdul Qayyum, who was acquitted after 11 years in this case, has written a book under the title *11 saal salakhon ke peechhe*. The book is available in the market in multiple languages. He approached the Supreme Court against police officers, but due to some technical problems his advocates retracted his appeal. Mufti Sahab is touring the country narrating his saga of torment and conveying the message of courage to Muslims of the country.

Advocate Shahid Azmi's martyrdom

On 11 February 2010, in the evening hours, three men barged into advocate Shahid Azmi's Kurla office and shot him in the chest and head. After the 1993 blasts, Shahid Azmi was jailed for allegedly

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[a] The bill was sent back twice, once by President A.P.J Abdul Kalam and once by President Pratibha Patil. In 2015, the BJP-led Gujarat government re-introduced the bill by renaming it as the Gujarat Control of Terrorism and Organised Crime (GCTOC) but retained the controversial provisions. President Ram Nath Kovind has given his assent to the bill in 2019.

conspiring to kill Bal Thackeray. According to the *Mumbai Mirror* (February 10, 2010) he was convicted under TADA for conspiring to kill former chief minister of Jammu & Kashmir, Farooq Abdullah, but the Supreme Court acquitted him. On 17 October 2006, he had filed a complained at the Kurla Police station that underworld dons are trying to kill him. He requested for police protection but he was not given any.

The police had claimed that perturbed over the demolition of Babri Masjid and the ensuing 1993 riots, he had been to Kashmir for weapons training. In 1994, he was arrested under TADA. He completed his graduation and post-graduation in journalism from Tihar jail. After his release, he took up the law course, got the degree and started defending the oppressed and the wronged. Since Shahid Azmi was defending the accused of 7/11 case, he was attacked by the Pujari gang in 2006. Back in 1998, this underworld gang had killed advocate Liyaqat Ali Shaikh and advocate Kishore Satrale. Similarly, in 2009, advocate Naushad Qasimji was killed because he was handling Rashid Malabari's case and was also defending Indian Mujahideen accused Muhammad Ali and Javed. In 2005 Pujari's men had opened fired on Majid Memon, but luckily, he escaped. Majid Memon has defended several accused in 1993 blast case. On 22 July 2009 Shahid Azmi had registered a complaint that he was injured in a planned accident.

He was fighting many important cases like: 26/11, 7/11, Malegaon blasts, Aurangabad arms haul, Ajit Diwani murder case, 2002 Ghatkopar blast case, 2003 Mulund blast and Hajj House Imam case *etc.* Initially, he worked with senior lawyer and parliamentarian Majid Memon and gained experience. In 2003, he started his own law firm. When he took the 7/11 case in his hands, intelligence agencies started keeping a watch over him. They thought he had received funds from ISI to handle these cases, but could did not find any evidence to support their conjecture. He was ultimately given a clean chit.

On 17 October 2006, at 7:14 pm, he got a threat call from phone number 022-25449658. The person on the other side said: "Stop fighting the 7/11 case or else we will kill you outside the court or at your office or home." After registering a complaint at the Kurla police station, he took the FIR copy and went to meet the Mumbai police commissioner AN Roy. But AN Roy refused to meet him and did not even take his application. *(The Hindustan Times,*

Mumbai, 12 February 2010) This was the same AN Roy who was at the forefront in implicating 13 innocents in the 7/11 case.

After the martyrdom of Shahid Azmi, joint police commissioner Rakesh Maria held a press conference and said that underworld don Chhota Rajan's right-hand man Bharat Nepali and Vijay Shetty *alias* Bala Shetty, gang shooters Devendra Bapu Rao, Jagtap *alias* JD, Monte Deoram Dagre, Vinod Vichare and Hansmukh Solanki (wanted) had taken the contract (*supari*) to kill Shahid Azmi for Rs 1 lakh. He said they were all arrested. (*Urdu Times*, 17 February 2010). A day before the murder JD had called Bharat Nepali and had asked as to why Shahid Azmi is the specific target. Bharat Nepali had told JD: "I do not like Adv. Shahid Azmi. He is most of the times defending the bomb blast case accused arrested under allegations of anti-national activity." (*The Hindustan Times*, 20 Feb 2010).

Shahid Azmi was defending five significant accused of the 7/11 case. As soon as he got to see the chargesheet he understood that the ATS had made a false case. He felt that the imposition of MCOCA on this case was unjustified and approached the Supreme Court with the help of Jamiat Ulama-e-Hind. He appealed for dropping of MCOCA from the case. This was a significant step due to which the trial of this case was halted and the newer information was revealed eventually regarding the case.

What to do in cases of terrorism?

We have been closely watching the courts since last ten years. There is everything in our courts, except justice. The police implicate us in false cases and we live in the hope for years that the courts will do justice to us. Ultimately when justice is not served, most of us lose heart. This is the ultimate result of pinning our hope on a tyrannical system and its related institutions. So, our hope and trust must be in Allah alone. This does not mean in any way that we must not fight for the release of the wrongly implicated. In fact, we must do all that we can.

First of all, let these courts know that you will never be a sitting duck for the police. Keep doing all you can to demolish the false case. As soon as you are taken to the court, forget all your memories of previous torture, forget all fears and threats and tell the court that you have been detained since so many days. During

these days you were tortured by officer so and so on such and such date and time at a particular station. Tell the court how, when and where from you were actually picked up. Also, ask the judge under what case you have been arrested. And tell him that the police have not informed you regarding it. Also, ask the judge on what basis you have been sent into police custody. You must request the court to inform your family before sending you the police custody, because they have not allowed you to meet your family. The police would likely produce false reports in the court saying, they have informed such and such family members of the accused. You must deny the claim outright and say you are not an orphan that even after being informed your family would not show up to see you, nor hire an advocate to defend you. If the police are speaking the truth, let the court get the records of the phone number and confirm as to whom they had called. Request the court that you must be allowed to hire an advocate of your choosing. If the court does not grant you any of your requests, then tell the court that you want to submit an application to the court. At that point, the court may allocate you an advocate. As soon as that advocate approaches you, write down all the above said complaints and queries and submit it to the court through him. Also, request the court that your interrogation be video-recorded so that you are subjected to as little torture as possible.

I do not wish to make any confessional statement

On the very first day when you are produced before the court, inform the court fearlessly that you are innocent, so you do not wish to make any confessional statement: Not today, nor ever during the police custody. Inform the court that you have not committed any crime. So, the question of you making a confessional statement does not arise. You do not wish to make any statement on oath under Section 164 before any magistrate. Alert the court beforehand that if the police produce your confession or statement on oath under Section 164 attributed to you or signed by you, it should be considered as false and treated as fake. It should be presumed that such a statement had been recorded under torture and pressure.

Not ready for the scientific tests

Similarly inform the court that you are not ready for any scientific test (narco, brain-mapping, lie-detector *etc.*). Inform the court that if you are subjected to any such test, then it must be presumed that it has been forced on you against your will. Inform the court that you know nothing about the case, so if they must hand you into police custody, then it should be as few days as possible so that you are subjected to as little torture as possible. Express all the above with your natural emotion of expression and honest tears in your eyes. Usually, in the cases of terrorism, when the accused is produced in the court, or the police are about to claim to have solved the case, lots of media personnel are seen in the court. Scream at the top of your voice and tell them the truth. It is possible that the police drag you back or threatens you to keep quiet, or the police may refute you loudly saying: "Every accused in every case says that!" All of this is a tactic to not allow you to speak. They'll play mind games to keep you quiet. Do not be affected by all such things and tell the whole truth to the court and the media.

It is possible the judge is biased, or may not give you a chance to speak. He may turn to the computer to hurriedly send you into police custody. You must stop him and tell him that he must first listen to the person whom he is about to send into police custody to be tortured. Ask him to let you complete your statement, and if the court does not have enough time to listen to you, then you must be allowed to submit your statement in writing. Ask him to record each and every word you say. If the judge still does not pay heed to your words, then start screaming at the top of your voice that this judge is biased and I do not trust him; demand the principal judge or chief magistrate to hear you in the same breath. He may still send you into police custody. The police may not torture you because of the fear that you will complain. Or they may torture you even more. Have faith in Allah and bear everything patiently.

Keep newspapers and recordings safe

The next day the proceedings of the court may be published in a sensationalised manner. Some newspapers may say the accused did a lot of drama. Collect all the newspaper reports and keep them safely. They are all evidence to the fact that you had complained

before the judge on such a date but he did not record your statement and sent you into police custody. Some good reporters will definitely bear witness for you. They do not have to testify for you. They only have to bear witness to whatever they saw and publish in their newspapers.

Further, when you are produced in court again on future dates or you are produced before a DCP or a magistrate, you have to repeat the same procedure. Do not lose heart. You are documenting some records for your defence here. So, keep trying to bring these matters to the media's attention and mass notice as much as possible. On the second or third appearance at the court, tell the judge all that has happened to you in police custody. Tell him/her about all places you were taken. Which police officer threatened you in what manner. How many times you were forced to sign on papers. Make some deliberate mistakes in the signatures: make it messy, enter wrong date, or put an extra mark. Tell the magistrate that you have been tortured brutally as a result of which you have suffered internal injuries. Ask the judge to send you to your personal doctor for medical checkup, because the police manage the doctors at civil hospitals. Show the judge the marks of torture on your body and do not hesitate even if you have to take off all your clothes.

Keep track of the proceedings in Court

Usually, the accused arrested in terror cases, when brought for appearance in court, try to spend most of the time with their family because they have been away from the very people, they spend their days and nights with. But this may cost dearly to the accused. An accused must keep all his concentration on the proceedings of the court. You will get many opportunities to meet your family in future. If you did not make a detailed complaint in the court at this moment, you may have to suffer heavy losses in future. If the judge asks you to submit your complaint in writing, then immediately write down the whole matter in detail with the help of your advocate and submit it to the court. Never write a short note of complaint to save time in order to meet your family. Remember the complaint written during police custody carries a lot of significance. Those submitted later do not carry the same weight as the court may say this complaint is made up as an afterthought.

When you are taken to hospital from court, complain to the doctor fearlessly about the torture, show him the wounds and bruises and tell him what the police did torture you for, such as to force you to accept the blame of this blast or else; sign these papers, or else; keep quiet in the court, or else *etc*. A few minutes of your courage can foil their years of evil plans. They will think a hundred times before imposing lies on you and you will be saved from false allegations.

First thing in jail

When you are sent into judicial custody (jail), the first thing you must do on reaching there is borrow a pen and paper from someone there and write in detail in whatever language you can and explain how the police implicated you falsely. Make an appeal for your release and send this letter to the concerned court within first two or three days of your judicial custody. The concerned court is the same court where you were produced for the first time. If the jail authorities are not ready to forward this letter, then smuggle it out and send it to the court through post. The jail *hawaldars* will do this job for you for Rs 100-200. Whatever you are sending, be sure to secure a photocopy or carbon copy of the same with yourselves.

Remand application

When the police produce you for the first time in the court, they file an application through their advocate (public prosecutor) to seek your custody. This is called remand application. The application usually contains a story regarding you, that they caught you from a certain place, on a certain date and time; that you have been booked under this particular case because such and such evidence had emerged against you and that the police needed to question you regarding many things. So, it is appealed that you be sent into police custody. If your advocate is not in the court, then you can take it from the judge and read it. After reading the story you can tell the judge how a false story has been written regarding you on the basis of which police custody is sought. If your advocate is in the court and if the police have handed him a copy of the remand application, you can take it from him also and read it. This

step is important to know what exactly is being cooked up against you.

Make so many complaints to the court, present so many evidence and produce so many witnesses that the court is forced to release you. Remaining silent in such moments is a sin. In fact, silence is nothing but confessing to the crime. Your silence gives the police an opportunity to work on their evil plan against you fearlessly. So "Speak! Speak while you still can... Speak for you tongue is still yours." This effort is not just to seek justice for yourself; it is also to bring such matters on record, so that the proof is established.

Request to family of the accused

Try to understand the police tactics. Never ever doubt your children. No matter how tall a claim the police make that a particular person is a terrorist and that he is involved in a blast. Never allow the police to enter your home during night. If they knock on your door, ask them to come in the morning and if they wish to enter right then, tell them that they can break the door and enter. Record all the activities of the police on your mobile. The police would not (usually) visit your home in the day. Even if they do, then do not allow your son to be taken alone with them. Gather all members of your society and tell them to ask as to under what crime is your son being taken away? When and where was the crime committed? It is very important to be bold in such times.

If the police have detained your son somewhere illegally, then complain against it immediately to the higher officers, judges, through fax or email. Also inform the media at the earliest. If the police have arrested your son or brother or husband in a false case, then gather your family and friends and protest against it. Sit in protest before the police station or do a *gherao*. Call a press conference immediately and puncture the false story of the police. Present evidence of your son's innocence before the media, just like the family of Abdus Samad Bhatkal when he was arrested in the German Bakery blast case. Immediately, contact a good advocate. Inform organisations like Jamiat Ulama-e-Hind and others. The initial time span after the arrest is the most important. It is in this time span that we can exhaust our most yielding efforts to prove our son / brother's innocence. Usually, people are scared and silent

during these movements, only to lament when they are sent to jail or receive chargesheet. But there is no use of such things at a later stage. The most important time in this regard is the police custody.

A misconception and its clarification

It is wrong on the part of the family to imagine that since their kid is innocent, he will be released sooner or later. Remove this misconception from your mind. The law is blind here and blind are the courts. On the basis of false evidence and fake witnesses our esteemed courts have handed death sentences to many innocents, because the police built such a fool-proof case that even the truth fell apart before their lies. Our courts cannot rip open anyone's heart and see inside. They pass their verdicts on the basis of the statements on oath. For example: If the police produce a false witness who says he saw your kid making / planting bombs. The court treats his statement as truth, as long as you do not produce a witness who can falsify his claim. No matter how loud you scream that your kid is innocent and the witness is lying, it will make no difference. If you prove in the court that your kid was somewhere else at the time of the crime or that the witness was somewhere else, it might benefit you in some way. No matter how many articles are published and how many programmes are telecast regarding your son's innocence, or even if the whole world accepts that your son is actually innocent, it does not make any difference in the court until and unless the same articles, video-recordings or individuals are produced in the court and they testify according to the law that your son is innocent. Quite after it so happens that an innocent is sentenced to death in a false case on the basis of fake witnesses and criminals are released from true cases due lack of witnesses. Regarding the 7/11 case the media, the police and the masses knew that it is a false case, but their knowing did not help the accused in anyway.

Do you think the police succeeds in gathering evidence against the actual perpetrators? Many criminals, while committing crimes do not forget to destroy evidence against them. Then how do the police succeed in getting people convicted? The answer is simple: On the basis of fake witnesses and evidence. Our police have attained such expertise in this that implicating an innocent and getting him convicted is a child's play for them. For example:

A man committed a murder and destroyed the weapon. On being arrested he confessed to have committed the murder. Even the police are sure that the person they have caught is the actual murderer, but they do not have any evidence against him. Now the police have two options: 1) Honestly admit before the court saying: "Your honour! This is the actual murderer, but we do not have any evidence against him." In such a case, the court will release him on bail and he may even be acquitted. 2) On second thought, the police can tell the court: "Your honour! This is the murderer. We are busy collecting evidence against him." Then they can get enough time from the court to forge evidence against him." The police know this very well that if real culprits can be convicted on the basis of fake witnesses, then any citizen of this country can be framed similarly."

Exceptional verdict in the Akshardham case

Our courts go into great detail and examine all witnesses and evidence before passing a verdict. But when they open a Muslim's case, their common sense vanishes away. This is commonly observed, because our courts prove to be helping the police, the governments and the system, particularly when it has a Muslim angle. There are several such examples. We present only one here: The controversy regarding the Babri Masjid was more than half a century old. Many petitions were lingering in the court and continue to do so. The then chief minister of UP, Kalyan Singh, had promised in a statement on oath to the Supreme Court that nothing would be allowed to happen to Babri Masjid. Yet, it was demolished on his watch. Taking a U-turn on his promise before the Supreme Court and National Integration Council, he took credit for the demolish. He announced with pride: *Jo kehte hain so karte hain* (We do, what we say), an oblique reference to BJP's vow to demolish the mosque. The demand of justice was to immediately order the reconstruction of Babri Masjid. But the Supreme Court did not do so. Secondly, the court could have ordered maintenance of status-quo after the demolition of Babri Masjid on 6 December 1992. The order of status-quo was passed on 7 December 1992 after the make-shift mandir was ready. Even then the wise judges did not order for removal of mandir to keep the levelled ground as it was. In fact, our "secular" Supreme Court went a step ahead and

appointed a receiver, so that he could receive *pooja ki thali* (plates containing articles meant for worship or *pooja*) from Hindu devotees. Furthermore, Hindus were freely allowed to do *darshan* (Sanskrit for "viewing") whereas Muslims were barred from getting even close to the site. In the light of such enlightened decisions, if anyone still believes that he will get justice easily, then he is living in a fool's paradise. As far as the Akshardham verdict is concerned, it is like the rare incidence of justice being served once or twice in a decade.

Last words

I would often meet the false eye-witness of 7/11 case Amar Khan Sardar Khan, because both of us were accused in the false SIMI case (of which we are acquitted). Amar Khan would often ask me: How long would it continue like this? How long would innocents be implicated wrongly in false cases? How long would people be pressurised to make false witness statements against them? He told me how he was pressurised by DCP Naval Bajaj of ATS to make false witness statements against innocents. We Muslims have only two options:

1. Be quiet and let whatever happens, happen. Let this vicious series of wrong implications continue. We live in an age where most hearts are afflicted with selfishness, materialism, moral weakness, love for long life and scorn for death. This defeatist response against false implication of Muslims in terror cases will not end the evil. In fact, this evil will spread to such an extent that no Muslim house will be spared. *Ghar wapsi*[a], *shuddhikaran*[b] and slavery will be the ultimate consequences of this evil.
2. Protests and legal battles: This series of wrongful implications will not stop with our protests and legal battles. But, it will surely slow down and rate of such cases will decrease. Muslims will be awakened. We will not gain complete peace, but the tyrants will also lose a bit their of peace. They too will come under pressure.

Given the present condition of our country, it is difficult for anyone to deny or differ with most of the content of this book. All we know is that the pain and suffering that we had to go through due to false implications no one else should experience it. The *ulema* and intellectuals must chalk out a plan to stop this process of false implications. For Allah's sake, do something before it is too late. Imagine the urgency with which this matter needs to be

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[a] In Hindi it means "Back to Home", re-conversion activities, facilitated by organisations like Vishva Hindu Parishad (VHP), Rashtriya Swayamsevak Sangh (RSS) to facilitate conversion of Christians and Muslims to Hinduism.

[b] In Hindi it means purification, converting outcasts from other religions to Hinduism.

attended. A Muslim youth was falsely implicated in a blast case. He was heavily angered by this injustice. He clearly told the ATS officer: "You are implicating me in a terror case despite me being innocent. Now I ever get released and I will help terrorists. I will actually become a terrorist." The police implicate Muslim youth falsely in terror cases and ruin their lives. In turn these youth lose faith and choose the wrong path of terrorism. Has this all not happened due to silence of the *Ummah*? May Allah save Muslim youth such ruin. *Ameen!*

Glossary of Terms, Abbreviations and Acronyms

ACP—Assistant Commissioner of Police

anda-cell—*Anda* in Hindi means egg. It is the famous egg-shaped high-security blocks in prisons to keep hardened criminals or those arrested on terror charges. The cells inside are often tiny and dimly lit, with sparse ventilation and little space for movement, a form of solitary confinement.

Approver—*Sarkaari gawaah*, literally government witness

ASI—Assistant sub-inspector of police

ASP—Assistant Superintendent of Police

Asr—one of the five daily obligatory prayers in Islam, offered general two hours before sunset.

ATS—Anti-Terrorist Squad

B.A.—Bachelor of Arts

BJP—Bharatiya Janata Party

Burqa—A cloak, an enveloping outer garment which covers the body worn by Muslim women, not necessary coving the face. See *Niqaab*.

CBI—Central Bureau of Investigation

CDR—Call Data Record

CET—Combined Entrance Examination

Charas—hashish, a form of cannabis.

CMM—Chief metropolitan magistrate

CP—Commissioner of Police

Cr. P.C.—Code of Criminal Procedure

CST—Chhatrapati Shivaji Terminus (CST) (earlier known at Victoria Terminus VT) is a train station in South Mumbai.

DCP—Deputy Commissioner of Police

D.Ed.—Diploma in Education

DGP—Director General of Police

Du'a—literally means invocation in arabic, is a prayer of supplication or request.

EDR—Event Data/Detail Record. EDR records are kept by mobile service companies that charge more than calls. *e.g.* buying ring tones.

Encounter—a term used to describe extrajudicial killings by the police or the armed forces, supposedly in self-defence, when they encounter suspected gangsters or terrorists.

Fajr—one of the five daily obligatory prayers in Islam, offered between the beginning of twilight and before sunrise.

FIR—First information report

FSL—Forensic Science Laboratory

Hafta—weekly bribe/money given as protection money to police or goons/dons.

Hawaldar—Police constable

IB—Intelligence Bureau

IG— Inspector General of Police

IM—Indian Mujahideen

Insha Allah—Arabic language expression meaning "if God wills" or "God willing", used by Muslims when speaking about future events.

IO—Investigating Officer

IPC—Indian Penal Code

Isha—one of the five daily obligatory prayers in Islam, offered at night, general two hours after sunset.

ISI—Inter-Services Intelligence (Pakistan)

Jazaak Allah—Islamic way of saying Thank You, meaning May Allah reward you.

LCB—Local Crime Branch

Maghrib—one of the five daily obligatory prayers in Islam, offered just after sunset.

MCOCA—Maharashtra Control of Organised Crime Act

MLA—A Member of the Legislative Assembly (MLA) is a representative elected by the voters of an electoral district (constituency) to the legislature of State government.

MTNL—Mahanagar Telephone Nigam Limited

Naal-bandi—Literally horse-shoeing. A slang used in jail. It is a method of torture, wherein the victim is hanged upside down with both his feet tied and his soles battered with canes. The method is similar to a horse being tied and horsehoes nailed into its hooves. The victim is tortured worse than an animal.

namaz—Islamic prayer, is a physical, mental, and spiritual act of worship while facing towards the Kaaba in Mecca, glorifying and praising Allah, while standing, kneeling, prostrating, sitting.

Narco test—involves injecting a drug, sodium pentothal, which induces a hypnotic or sedated state in which the subject's imagination is neutralised, and they are expected to divulge true information.

NIA—National Investigation Agency

Niqaab—Veil; A cloth used to cover a woman's face worn by Muslim women along with their *Burqa* (cloak).

OPD—Out patient department (in a hospital)

P.P.—Public Prosecutor

Panchnama—literally means a "record of observation by five people". In criminal investigation it is used to support evidence of the investigation conducted at the crime scene, seizure if any from accused, identification of accused etc. There can be Spot *Panchanama*, Seizure *Panchanama*, Arrest *Panchanama*, *etc.*

Panchas/Panch-Witnesses—Witness to a *panchnama*

PBUH—"peace be upon him", a phrase Muslims say whenever they refer to the name of any prophet or messenger of Allah.

PCO—Public call office

PIL—Public-interest litigation

PIO—Public Information Officers handling RTI applications

PI—Police Interceptor

PMO—Prime Minister's Office

POTA—Prevention of Terrorism Act, 2002

Pracharak—function as full-time publicists or propagandists for the Rashtriya Swayamsevak Sangh, abbreviated as RSS, is a right-wing, Hindu nationalist, paramilitary volunteer organisation.

PS—Police Station

Purdah—The practice of seclusion and veiling of women. See *Niqab*, *Burqa*.

RAW—Research and Analysis Wing

RDX—Rapid Detonating Explosive

Roza—A fast, in Islam is the practice of abstaining, usually from food, drink, smoking, and sexual activity from twilight to sunset.

RSS—Rashtriya Swayamsevak Sangh

RTI—Right to Information Act (India)

RTO—Regional Transport Office

S.I.—Sub-Inspector of Police

SC—Supreme Court

SDE—[Police] Station Diary Entry

Section 161 Cr.P.C.—Under this a police officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case. The statement Supreme Court has reiterated that a statement recorded under Section 161 of the Code of Criminal Procedure is inadmissible in evidence and cannot be relied upon or used to convict the accused. A statement recorded under Section 161 Cr.P.C. can be used only to prove the contradictions and/or omissions.

Section 164 Cr.P.C.—Under this the confession of the accused is recorded, so also the statements of the witnesses. According to section 164(1) of Code Judicial Magistrate or Metropolitan Magistrate whether or not having jurisdiction in the case can record any statement or confession made to him in the course of investigation.

SEO—Special Executive Officers

SIM—Subscriber identity module

SIMI—Students' Islamic Movement of India

SIT—Special Investigation Team

SSC—Secondary School Certificate or Matriculation

STD—*See* PCO.

STF—Special Task Force

TADA—Terrorist and Disruptive Activities (Prevention) Act

TATP—Triacetone triperoxide is a self-made explosive synthesized from the commonly used chemicals.

Tilismi moti—is a pendant or amulet that helps babies in painless teething and used in many parts of India for centuries.

TIP—Test Identification Parade

UAPA—Unlawful Activities Prevention Act

UP—Uttar Pradesh

Vakalatnama—A kind of power of attorney document, which empowers a lawyer to act for and on behalf of his client before a Court of Law, Tribunal or any authority.

VHP—Vishwa Hindu Parishad

VT—*See* CST

Ziyarat—Visit/pilgrimage, generally to tombs of revered Islamic personalities, sacred places, historical mosques, battlefields *etc.*

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راجیو یادو، شاہنواز	آپریشن اکشردھام — اکشردھام مندر پر دہشت گردانہ حملہ	250
انجم زمرد حبیب	قیدی نمبر 100: بھارتی زنداں کے شب و روز	200
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رانا ایوب	گجرات فائلس پس پردہ حقائق کا انکشاف *	260
ساجد الاثری	سیرتِ رسول ﷺ کوئز (دو ہزار سے زائد سوال و جواب پر مبنی) *	260
	سچر کمیٹی رپورٹ	1200
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शम्सुल इस्लाम	हिन्दू राष्ट्रवाद और आरएसएस	*आगामी*
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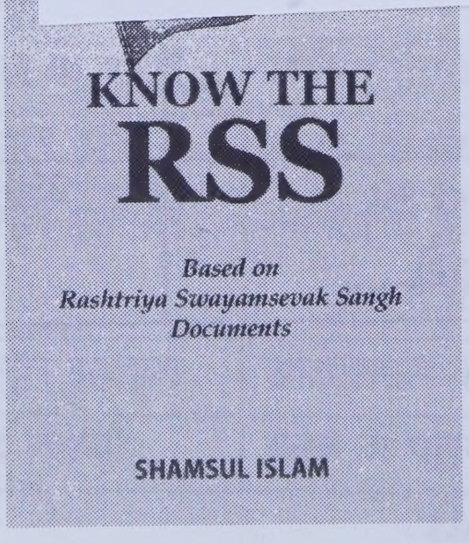

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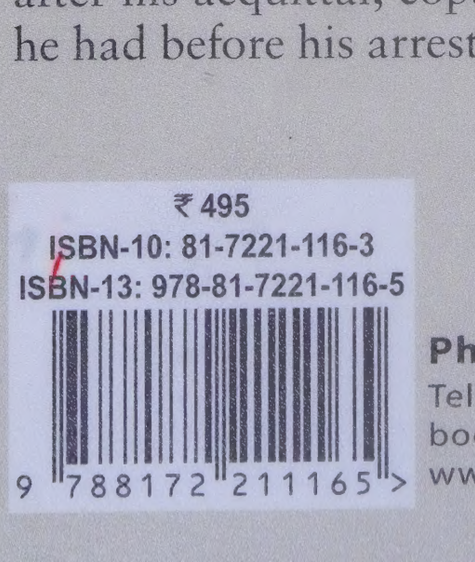
This exposé offers eye-opening details of the heinous game played in India for decades in the name of "terrorism". This book unveils the ugly face of governments and investigative agencies, *modus operandi* of police, ATS and investigative agencies, their inhumane tortures, legal tactics employed and the secrets of court cases. Innocents implicated in terror cases will find courage to fight their legal battles through this book. The reality of the blast cases and the tall claims made by police and media are exposed in this book.

The author himself was a victim of torture and tactics of police and investigative agencies. He has narrated first-hand experiences of himself and some other innocent prisoners at the hands of police, investigative agencies and officials of the jail system.

This book is not just a testimony of the innocence of a person acquitted of all charges in an infamous "terror" case, it also showcases his unmoved resolve to fight the legal battle for his freedom. It also is a manual on how not to get yourself entangled in the vicious web of false implication in the first place and how to secure freedom from the clutches of monsters in uniform, if arrested.



ABDUL WAHID SHAIKH, a teacher at a Mumbai school, was the only person to be acquitted out of 13 accused in the 11 July 2006 Mumbai train bombings case. Born in Pune, he did his schooling in Mumbai after his family shifted there. His father was a carpenter and even did tailoring. After a diploma in teachers training, he got his first job in 1998 to teach science at Anjuman-e-Islam School, Mumbai. He completed his post-graduation and studied law during his nine years in jail. Keeping his promise to his co-accused, he travels around the country talking about the truth. A Hindi feature film based on his life will soon be released. He got married in 2003 and has four children. Even years after his acquittal, cops continue to harass him. To fulfill the dream he had before his arrest 15 years ago, he is now pursing his PhD.

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